

Appendix A

UNIFIED DEVELOPMENT ORDINANCE*

Article 1. General Provisions

- 1.1. General provisions.
- 1.2. Exemptions and special considerations.
- 1.3. Comprehensive Plan.
- 1.4. Interpretation of the provisions of this ordinance.
- 1.5. Effective date.
- 1.6. Violations of this ordinance.

Article 2. Administrative Agencies

- 2.1. Department of community development.
- 2.2. Boards of adjustment.
- 2.3. Local planning boards.
- 2.4. Joint planning commission.
- 2.5. Governing bodies.
- 2.6. Historic preservation commission (City of Sanford only).

Article 3. Zoning and Permitting Procedures

- 3.1. General procedures.
- 3.2. Administrative permits.
- 3.3. Zoning map and text amendments.
- 3.4. Conditional zoning.
- 3.5. Special use permits.
- 3.6. Site plan review.
- 3.7. Appeals and variances.

Article 4. Zoning District Regulations

- 4.1. Purpose.
- 4.2. Establishment of zoning districts.
- 4.3. Purpose statements.
- 4.4. Zoning map.
- 4.5. Zoning district boundaries.
- 4.6. Use regulations (Includes permitted use matrix).
- 4.7. Dimensional and density regulations.
- 4.8. Reserved.
- 4.9. Planned unit development.
- 4.10. Traditional neighborhood development.

***Editor's note**—Printed herein is the Unified Development Ordinance for Lee County, North Carolina, adopted by the county council on Sept. 19, 2005. Amendments to the original ordinance are indicated by parenthetical history notes following amended provisions. For stylistic purposes, a uniform system of punctuation, capitalization, headings, catchlines, citation to state statutes, and expression of numbers in text has been used to conform to the Code. Obvious misspellings have been corrected without notation and material in brackets [] has been added for clarity.

LEE COUNTY CODE

- 4.11. Manufactured home overlay district.
- 4.12. Historic preservation overlay district.
- 4.13. Airport overlay district.
- 4.14. Watershed conservation overlay district.

Article 5. Supplemental Development Regulations

- 5.1. Accessory uses and structures.
- 5.2. Adult establishments.
- 5.3. Animal hospitals, veterinary services, animal shelters, kennels/ animal services.
- 5.4. Bed and breakfast inns.
- 5.5. Car washes and car care centers.
- 5.6. Cemeteries.
- 5.7. Community food services.
- 5.8. Concrete and asphalt plants.
- 5.9. Correctional facilities.
- 5.10. Child care facilities.
- 5.11. Drive-in theaters.
- 5.12. Family care homes.
- 5.13. Farming, stables, and related uses.
- 5.14. Flea markets—Outdoor.
- 5.15. Hazardous waste facilities.
- 5.16. Home occupations.
- 5.17. Hotels, motels and tourist courts.
- 5.18. Junkyard/salvage yard.
- 5.19. Landfills, LCID and CDLF.
- 5.20. Landfill, sanitary.
- 5.21. Manufactured home and/or storage building sales.
- 5.22. Mini-warehouse (self-storage units).
- 5.23. Mining and quarries.
- 5.24. Motor vehicle/boat sales or rental lots.
- 5.25. Nurseries and greenhouses, commercial (RA zoning district only).
- 5.26. Entertainment establishments.
- 5.27. Racetracks (Motorized vehicles).
- 5.28. Recreation activities, commercial outdoor.
- 5.29. Campgrounds.
- 5.30. Rural family occupation (Unincorporated area only).
- 5.31. Storage of flammable liquids (in bulk) above ground.
- 5.32. Reserved.
- 5.33. Telecommunications towers.
- 5.34. Temporary uses.
- 5.35. Mixed uses, central business district.
- 5.36. Travel trailer parks.

Article 6. Subdivision Regulations

- 6.1. General provisions.
- 6.2. Minor subdivisions.

UNIFIED DEVELOPMENT ORDINANCE

- 6.3. Major subdivisions.
- 6.4. Reserved.
- 6.5. Open space.
- 6.6. Lot design standards.
- 6.7. Street design standards.

Article 7. Landscaping and Buffering Standards

- 7.1. Purpose.
- 7.2. Applicability.
- 7.3. Administrative provisions.
- 7.4. Planting yards.
- 7.5. Buffer yards.
- 7.6. Parking lot yards.
- 7.7. Street yards.
- 7.8. Specifications for plant materials and installation.

Article 8. Off-Street Parking and Private Driveway Standards

- 8.1. Applicability.
- 8.2. General design standards.
- 8.3. Required amount of off-street parking.
- 8.4. Parking space dimensions.
- 8.5. Driveways and traffic aisles.
- 8.6. Off-street loading/unloading area standards.

Article 9. Environmental Control Regulations

- 9.1. Sedimentation and erosion control.
- 9.2. Stormwater management (Reserved for future regulations).
- 9.3. Tree preservation (Reserved for future regulations).

Article 10. Site Design Standards

- 10.1. Outdoor storage and solid waste storage standards.
- 10.2. Shopping centers and superstores.
- 10.3. Multi-family residential development.
- 10.4. Accessory dwellings (RA and RR districts only).
- 10.5. Design standards for individual manufactured homes.
- 10.6. Manufactured home for hardship.

Article 11. Signage Regulations

- 11.1. Purpose and findings.
- 11.2. Applicability.
- 11.3. Sign permit.
- 11.4. Sign area computations.
- 11.5. Construction and maintenance.
- 11.6. Prohibited signs.

LEE COUNTY CODE

- 11.7. Signs that do not require a permit.
- 11.8. Signs that require a permit.
- 11.9. Outdoor advertising (billboard) signs.
- 11.10. Temporary banners.

Article 12. Nonconformities and Vested Rights

- 12.1. Purpose.
- 12.2. Legal nonconforming situations continued.
- 12.3. Undeveloped nonconforming lots.
- 12.4. Nonconforming use of land.
- 12.5. Nonconforming structures.
- 12.6. Vested rights.
- 12.7. Expiration of development approvals.

Article 13. Flood Hazard Area Regulations

- 13.1. Purpose.
- 13.2. Definitions.
- 13.3. General provisions.
- 13.4. Administration.
- 13.5. Duties and responsibilities of the local administrator.
- 13.6. Administrative procedures.
- 13.7. Variance procedures.
- 13.8. Provisions for flood hazard reduction.

Appendix A. Definitions

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- A-1. Terms defined.
 - A-2. Word usage.
 - A-3. Definitions.

Appendix B. Specifications for Forms to be Submitted

- B-1. General provisions.
- B-2. Certificates of zoning compliance.
- B-3. Building permits and certificates of occupancy.
- B-4. Subdivision plats.
- B-5. Site plans (conditional rezoning/special use permits).
- B-6. Landscaping plan.
- B-7. Grading plan.
- B-8. Architectural plans.
- B-9. Flood hazard development permit.
- B-10. Variance from watershed regulations.
- B-11. Site specific development plan (for vested rights).
- B-12. Stormwater drainage plans.

Appendix C. Acceptable Plant Species

ARTICLE 4. ZONING DISTRICT REGULATIONS

Summary: This article divides the County of Lee into districts for the purpose of regulating the use of lands within the districts, as well as dimensional requirements and other standards applicable to construction, reconstruction and alterations of such uses. This article establishes a series of basic zoning districts, overlay districts (Airport Overlay, Floodplain Overlay, Watershed Protection Overlays, Historic Overlays, and Watershed Conservation Overlay(s) within which additional standards may apply, and "floating zones" (PUD, TND, and TOD districts) which may be designated by request of the applicant. Refer to article 5 for additional regulations applicable to particular uses.

4.1. Purpose.

The City of Sanford, Town of Broadway, and Lee County are hereby zoned and divided into districts. The purpose of establishing these districts is:

- To implement the Comprehensive Plan;
- To promote the health, safety, morals, or the general welfare;
- To provide for the orderly growth and development of the County of Lee and for the efficient use of community resources (land, water, roads, etc.);
- To lessen congestion in the streets;
- To secure safety from fire, panic, and other dangers.
- To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(Ord. of 9-19-2005)

4.2. Establishment of zoning districts.

~~4.2.1 Purpose and intent.~~ This section 4.2 establishes base, overlay, and conditional zoning districts in accordance with the requirement of G.S. §§ 153A-342 and 160A-382 that zoning regulation be by districts.

4.2.2 *General use zoning districts.* Lee County, within the incorporated area and extraterritorial jurisdiction of the City of Sanford and Town of Broadway, and the unincorporated areas of Lee County, as shown on the official zoning map accompanying this ordinance and incorporated herein by this reference, is hereby divided into the following general use zoning districts which shall be governed by all of the uniform use and area requirements of this ordinance, the respective symbol for each type of district being set forth opposite its title:

RA Residential Agricultural District
RR Residential Restricted District
R-20 Residential Single-Family District
R-14 Residential Single-Family District
R-12SF Residential Single-Family District
R-12 Residential Mixed District
R-10 Residential Mixed District
R-6 Residential Mixed District
MF-12 Multifamily District
NC Neighborhood Commercial District
HC Highway Commercial District

O&I Office and Institutional District

C-1 Light commercial and Office District

C-2 General Commercial District

CBD Central Business District

LI Light Industrial District

HI Heavy Industrial District

PUD Planned Unit Development District

TND Traditional Neighborhood Development District

4.2.3 *Overlay districts.* In accordance with the authority provided by G.S. §§ 153A-342 and 160A-382, the County of Lee hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this ordinance. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional use districts. The symbol for each type of district is as follows:

AO Airport Overlay District

H Historic Overlay District

MHP Manufactured Home Park Overlay District

WCOD Watershed Conservation Overlay District

4.2.4 *Conditional zoning districts (Type 1).* Conditional zoning districts type 1 may be established in accordance with section 3.4 of this ordinance. Conditional zoning districts type 1 are unique, stand-alone zoning districts that have no relationship to the ordinance's general use zoning districts as listed in subsection 4.2.2.

4.2.5 *Conditional zoning districts (Type 2).* As an alternative to the type 1 conditional zoning district, a property owner may petition for a conditional zoning districts that correspond to the above-referenced base zoning districts, and which are identical to the general use zoning districts with the exception that additional conditions are applied as set forth in subsection 3.4.3 of this ordinance. The following is a listing of conditional zoning type 2 districts and their corresponding symbols.

RA-C Residential Agricultural Conditional Zoning District

RR-C Restricted Residential Conditional Zoning District

R-20-C Residential Single-Family Conditional Zoning District

R-14-C Residential Single-Family Conditional Zoning District

R-12SF-C Residential Single-Family Conditional Zoning District

R-12-C Residential Mixed Conditional Zoning District

R-10-C Residential Mixed Conditional Zoning District

R-6-C Residential Mixed Conditional Zoning District

MF-12-C Multifamily Conditional Zoning District

NC-C Neighborhood Commercial Conditional Zoning District

HC-C Highway Commercial Conditional Zoning District

O&I-C Office and Institutional Conditional Zoning District

C-1-C Light Commercial and Office Conditional Zoning District

C-2-C General Commercial Conditional Zoning District

CBD-C Central Business Conditional Zoning District

LI-C Light Industrial Conditional Zoning District

HI-C Heavy Industrial Conditional Zoning District

4.2.6 Additional zoning districts. Additional zoning districts may be added from time to time upon the recommendation of the planning commission to the governing body pursuant to section 3.3 of this ordinance. Proposed changes to the zoning district regulations or the official zoning map, including the addition of new zoning districts, may be submitted by the planning commission or any other interested party.
(Ord. of 9-19-2005)

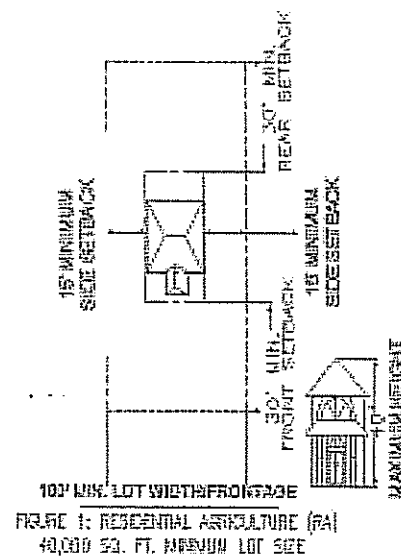
4.3. Purpose statements.

The purpose of this section is to implement the land use policies of the Comprehensive Plan. Pursuant to G.S. §§ 153A-341 and 160-A-383, all zoning ordinances or regulations adopted pursuant to this ordinance shall be consistent with the Comprehensive Plan as adopted under G.S. Article 19 of Chapter 160A. This section describes the relationship between the various zoning districts and the Comprehensive Plan and a summary of each development district in form. However, to the extent that there is any inconsistency between the tabular summary and the specific provisions of section 4.6 et seq. of this ordinance, the provisions of section 4.6 et seq. shall prevail.

4.3.1 Purpose statements for general use zoning districts.

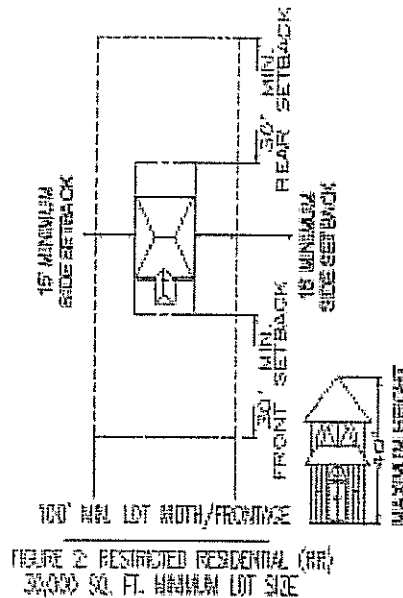
RA RESIDENTIAL AGRICULTURAL DISTRICT.

The RA (residential agricultural) district is established to provide areas for low density single family uses, low intensity agricultural operations as well as agri-business and supportive industrial and commercial uses. Industrial operations are not permitted unless they clearly support an agricultural use. RA zoning protects and preserves valuable agricultural areas, implements agricultural protection zoning, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, sets maximum permissible densities or new zoning districts, defines specific areas for rural commercial uses, and identifies areas appropriate for agricultural preservation.



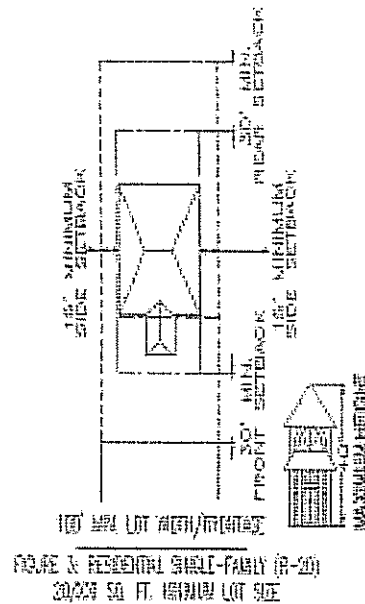
RR RESTRICTED RESIDENTIAL T.

The RR district is established to ease for low-density single-family us maximum of one and one-half (1 g units per acre. Property zoned RR include only those tracts which are in close proximity to existing large—one family development, making RR an appropriate transition district between rural, agricultural, and suburban uses.



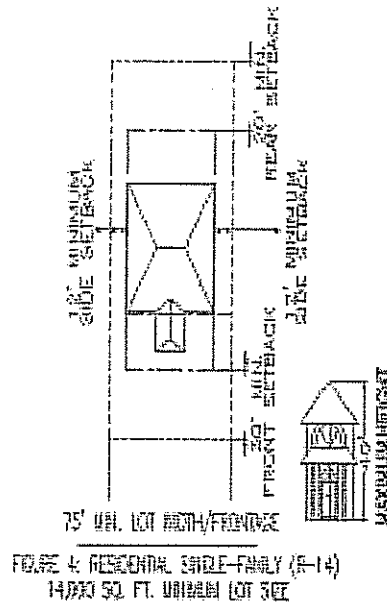
R-20 RESIDENTIAL SINGLE-FAMILY DISTRICT.

The R-20 district is established to provide areas for low-density single-family uses, with a maximum of two dwelling units per acre, which may provide buffers between the agricultural and R-20 classifications and the higher density areas of the County of Lee. It includes density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster subdivision in order to preserve environmentally sensitive and agricultural land areas.



R-14 RESIDENTIAL SINGLE-FAMILY DISTRICT.

The R-14 district is established to provide areas for medium density, single-family residential uses, with a maximum of three dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. R-14 provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to use cluster subdivisions in order to preserve environmentally sensitive and agricultural land areas.



R-12SF RESIDENTIAL SINGLE-FAMILY DISTRICT.

The R-12SF district is established to provide areas for detached single-family homes, with a maximum of three and one-half dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to use cluster subdivisions in order to preserve environmentally sensitive and agricultural land areas.

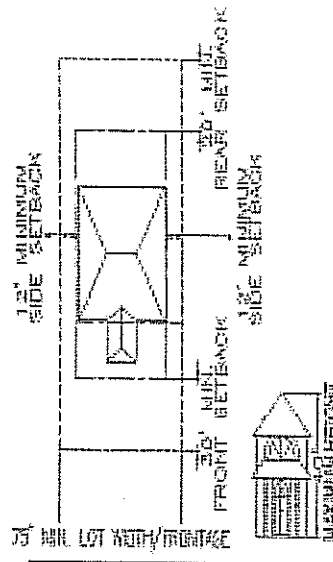


FIGURE 5: RESIDENTIAL SINGLE-FAMILY (R-12SF)
12,000 SQ. FT. MINIMUM LOT SIZE

R-12 RESIDENTIAL MIXED DISTRICT.

The R-12 district is established to provide areas for a mix of residential dwelling types with a maximum of three and one-half dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to use cluster subdivisions in order to preserve environmentally sensitive and agricultural land areas.

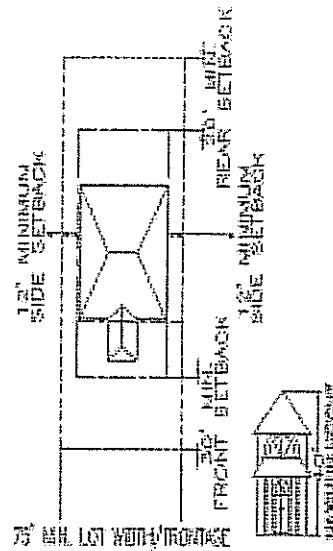
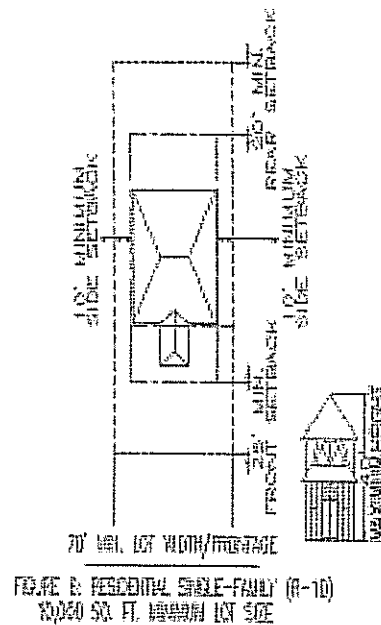


FIGURE 5A: RESIDENTIAL MIXED (R-10)
12,000 SQ. FT. MINIMUM LOT SIZE

R-10 RESIDENTIAL MIXED DISTRICT.

The R-10 district is established to provide areas for a mix of residential styles with a maximum of up to four dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. This district provides a minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to use cluster subdivisions in order to preserve environmentally sensitive and agricultural land areas.



R-6 RESIDENTIAL MIXED DISTRICTS.

The R-6 district is established to provide higher density residential living opportunities with compact development consisting of the full spectrum of residential unit types where adequate public facilities and services are available. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of seven dwelling units per acre except as otherwise provided in this ordinance. R-6 may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R-6 supports the principles of concentrating urban growth and reinforcing existing community centers.

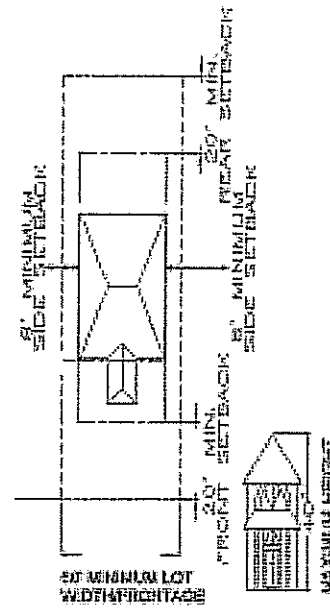
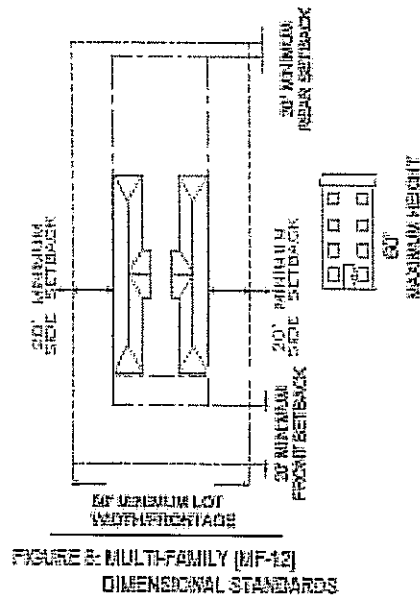


FIGURE 7: RESIDENTIAL MIXED (H-E)
6,000 SQ. FT. MINIMUM LOT SIZE

MF-12 MULTIFAMILY DISTRICT

A MF-12 Multi-family district permit[s] multi-family uses with a maximum density of up to 12 units per acre, depending on unit size. A MF-12 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multi-family uses or in an area for which limited density multi-family use is appropriate. A MF-12 district may be used as a transition between a single family and higher intensity uses. MF-12 districts are appropriate in areas containing a variety of dwelling types, or in single-family areas at the intersection of local roads and collector or higher order streets. MF-12 districts are appropriate in locations where affordable housing is needed. MF-12 districts shall be designated only in areas with central water and sewer.



NC NEIGHBORHOOD COMMERCIAL DISTRICT.

The NC district is established to provide small areas for office and professional services combined with shop front retail uses, shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. Location of NC districts should include lots, parcels or tracts located at the intersections of collector streets, including collector/collector and minor thoroughfare/ collector, except where an existing building or structure used as permitted in the NC district has been established prior to the adoption of this ordinance on a parcel subject to an application for rezoning. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts.

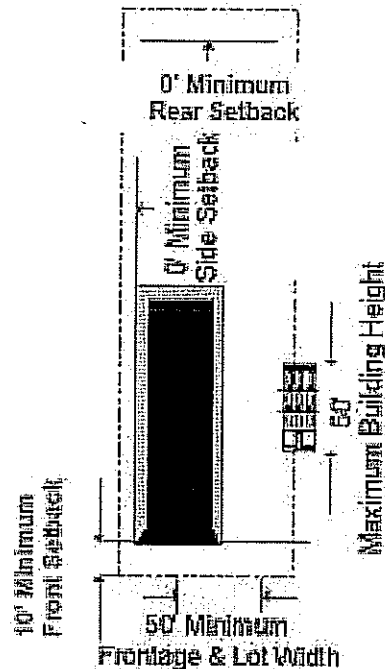
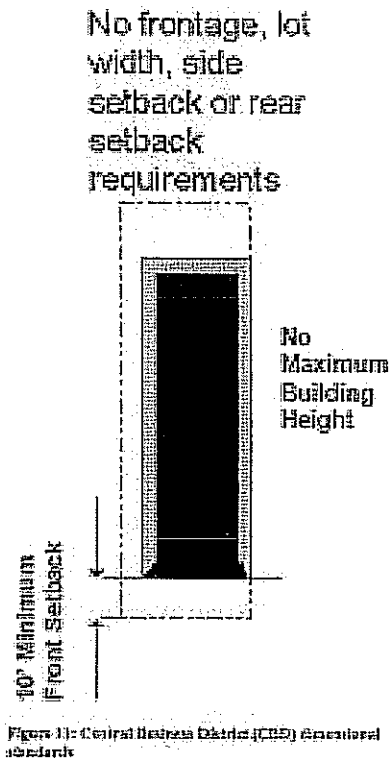


Figure 16: Neighborhood Commercial (NC) design standards

CBD CENTRAL BUSINESS DISTRICT.

The "CBD" district is established to provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business districts. Shopping centers are permitted, but design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The "CBD" district promotes the long-term vitality of the central business districts. No rezoning to a "CBD" district is appropriate unless the lot, parcel or tract subject to the application adjoins an existing "CBD" zoning district.



O&I OFFICE & INSTITUTIONAL DISTRICT

The office and institutional district is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions.

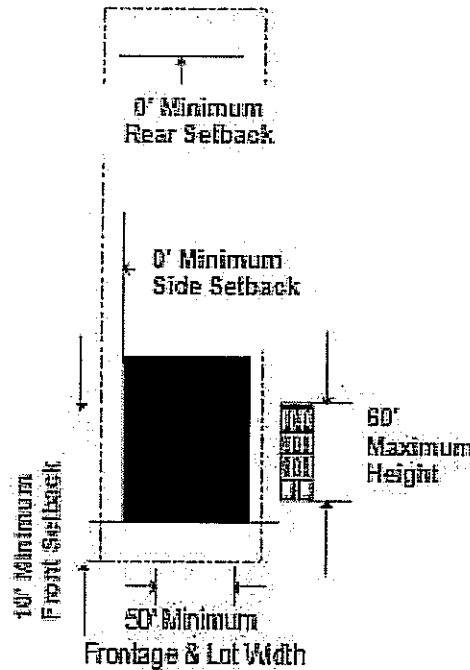
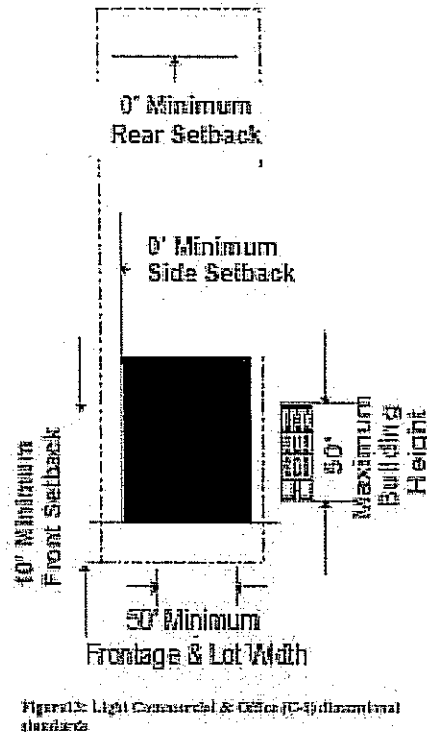


Figure 12: Office & Institutional (OIS) Dimensional Standards

C-1 LIGHT COMMERCIAL & OFFICE DISTRICT

The C-1 district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 zones should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 zones should be located on or within proximity to major and/or minor thoroughfares.



C-2 GENERAL COMMERCIAL DISTRICT.

The "C-2" district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the county, providing community balance. "C-2" zones should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the "C-2" district has been established prior to the adoption of this ordinance on a parcel subject to an application for rezoning.

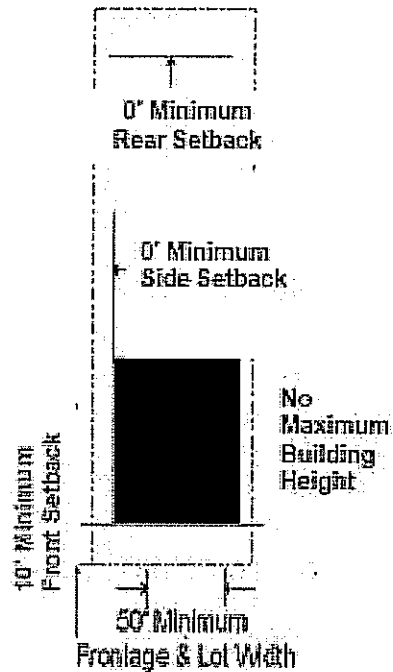


Figure 14: General Commercial (C-1) dimensional standards

HC HIGHWAY COMMERCIAL

The purpose of the highway commercial (HC) is to accommodate uses that depend upon a large flow of traffic and convenient access, such as retailing of durable goods, the provision of commercial services to industrial areas, and the provision of services to tourists.

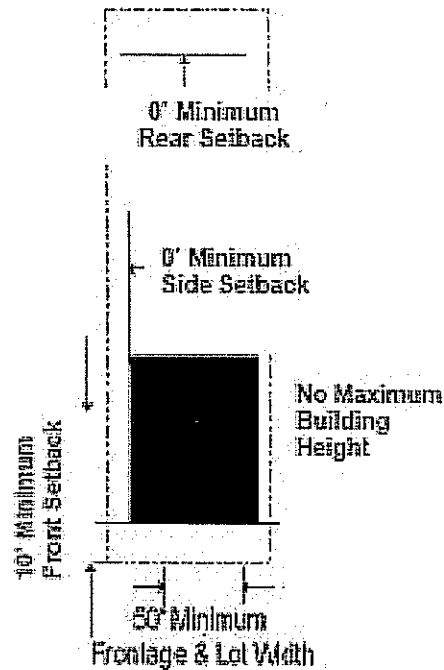


Figure 15: Highway Commercial (HC)
Dimensional standards

LI LIGHT INDUSTRIAL DISTRICT.

The LI district is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. LI districts should include areas which continue the orderly development and concentration of light industrial uses. LI zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the LI district has been established prior to the adoption of this ordinance on a parcel subject to an application for rezoning.

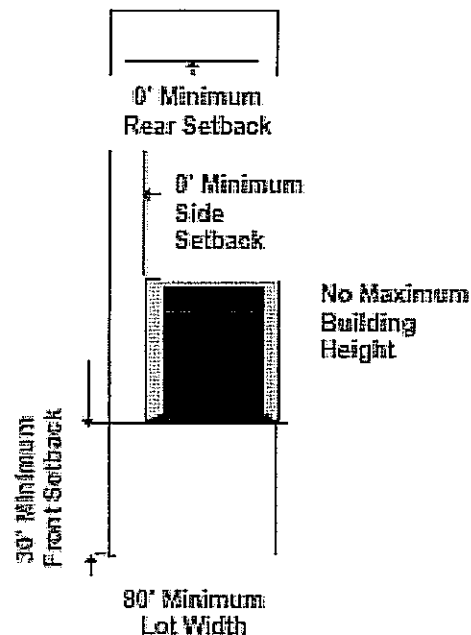


Figure 15: Light Industrial (LI) dimensional standards

HI HEAVY INDUSTRIAL DISTRICT.

The HI district is established to provide for areas of heavy manufacturing, concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. HI should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The HI district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the LI district. HI districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. HI zones should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the HI district has been established prior to the adoption of this ordinance on a parcel subject to an application for rezoning.

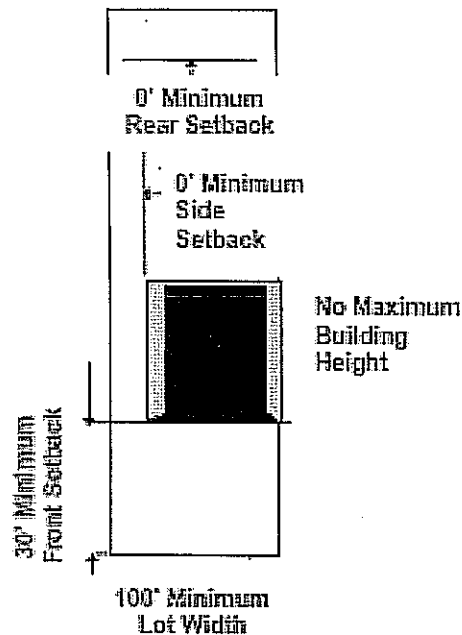


Figure 17: Heavy Industrial (HI) dimensional standards

4.3.2 Purpose statement for overlay zoning districts. The overlay zone creates special siting, use and compatibility issues which require use development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies. See sections 4.11 through 4.14 for the purpose statements and regulations applicable to the overlay zoning districts.

4.3.3 Purpose statements for floating zones. Certain floating zones, such as PUD, TND, and TOD are established in order to provide design flexibility and for special design regulations for mixed use development or large uses which provide special public benefits. The purpose statement for each floating zone is set forth in the regulations pertaining to the district.
(Ord. of 9-19-2005)

4.4. Zoning map.

4.4.1. The boundaries of zoning districts established by this ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the County of Lee. These maps and all references and dates shown thereon shall be certified by the chairman of the Lee County Commissioners, the mayor of the City of Sanford, and the mayor of the Town of Broadway. The official zoning map is hereby incorporated by reference as set forth in its entirety herein, and may be referred to as article 4, section 4.4 of the UDO.

4.4.2. The official zoning map shall be located in the department of community development. A copy of the Official Zoning Map shall be kept on file with the clerk of the City of Sanford, Town of Broadway, and Lee County. Changes thereto shall be clearly shown on the Official Zoning Map when officially adopted by the City of Sanford, Town of Broadway, and/or Lee County.

4.4.3. The official zoning map shall bear a stamp showing the effective date of this ordinance and shall:

- Be certified by the department of community development
- Be identified by the signatures of the county commission chairman and the mayors
- Be attested by the County of Lee Clerk
- Bear the seal of the County of Lee under the words: "Official Zoning Map, Sanford/Lee County/Broadway".

4.4.4. If a zoning district is eliminated and there is no corresponding zoning district classification on the official zoning map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the official zoning map previously in effect was effective unless and until the zoning classification of the property is amended pursuant to this ordinance.

4.4.5. If a property is zoned as a conditional zoning district at the time of adoption of this ordinance, it shall remain subject to all terms, conditions, and restrictions of approval under the zoning ordinance in effect prior to the adoption of this ordinance.

(Ord. of 9-19-2005)

4.5. Zoning district boundaries.

4.5.1 Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, or railroad rights-of-way. In cases where these lines are not used, the zoning district lines shall be as determined by using the scale of the official zoning map. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

4.5.2 Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with the following criteria. When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the centerline of such feature.

- Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- Boundaries indicated as separated from but approximately parallel to any of the features indicated above, or any land marked or monumental line, shall be deemed to be parallel to the aforesaid centerline or railroad track mid-point.
- Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the official zoning map, the physical monument or marker located on the ground shall control. Where physical or cultural features, such as flood plains, vary from those shown on the official zoning map, or in other circumstances not covered above, the department of community development shall determine the district boundaries.

(Ord. of 9-19-2005)

4.6. Use regulations.

4.6.1 *Generally.* No use shall be permitted pursuant to this ordinance, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or special use in this section 4.6 and all applicable permits and approvals have been issued

by the agency or official with final decision-making authority. Those uses permitted as primary uses or buildings within each zoning district shall be those uses listed in the use matrix (Table 4.6-1) and as forth in section 4.6, below.

4.6.2 *Primary uses.* No zoning clearance permit shall be issued for a primary use not specifically mentioned or described by category in the use matrix (Table 4.6-1). Notwithstanding any provision of this section to the contrary, uses which are preempted by state statute are not listed in the use matrix, and may be permitted in accordance with state law.

4.6.2.1 *Interpretation of use matrix.* The use categories listed in the first column of Table 4.6-1 are defined in this ordinance, the LBCS or in other resources cross-referenced in this ordinance. In determining whether a use is permitted by right, permitted as a special use, or prohibited within each zoning district, the following rules of construction apply:

4.6.2.2. *PUD and TND excluded.* Uses in the PUD and TND districts shall be governed by their respective sections in this ordinance and shall not be subject to Table 4.6-1.

P	Permitted Uses. The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this ordinance.
D	Permitted Uses with Development Regulations. The letter "D" indicates that the use is also subject to development regulations as prescribed in Article 5. The use may be permitted as of right or as a Special Use, but will also be subject to the requirements of Article 5 Supplemental Development Regulations.
S	Special Uses. The letter "S" indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the review procedures of section 3.5 of this ordinance. Special Uses are subject to all other applicable standards of this ordinance and those requirements that may reasonably be imposed by the County of Lee consistent with the criteria set forth in section 3.5 of this ordinance and any Development Regulations which apply to said use.
-	Prohibited Uses. A dash ("-") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this ordinance.

4.6.3 *Accessory and temporary uses.* Permitted accessory uses and permitted temporary uses are set forth in article 5 of this ordinance. If a primary use is listed as prohibited in a zoning district, but is permitted as an accessory use in section 5.1 of this ordinance, the use is permitted only as an accessory use to a principal use or principal building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a principal use or principal building on the same lot, tract or parcel to which that use is accessory.

[4.6.4 Reserved.]

4.6.5 *Uses not listed.*

4.6.5.1 The department of community development shall make a determination if a use not mentioned could reasonably be interpreted to fit into a use category where similar uses are described. It is the intent of this article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a special use permit. In the event that a particular use is not listed in the use matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the department of community development shall determine whether a materially similar use exists in this section.

4.6.5.2 Should the department of community development determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the department of community development's decision shall be recorded in writing. The department of community development may determine that a use is materially similar if the use is listed as within the same

structure or function classification as the use specifically enumerated in the use matrix, as determined by the Land-Based Classification Standards ("LBCS") of the American Planning Association. The use shall be considered materially similar if it falls within the same LBCS classification.

4.6.6 Interpretation of land based classification standards (LBCS). In order to assist in interpretation of the use matrix, the LBCS numbers precede each use in the use matrix. In interpreting the use matrix, the following rules of construction shall apply:

- If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar code number. The numbers increase as the classifications get more specific.
- Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.

Example: "Restaurant, with incidental consumption of alcoholic beverages" is coded as LBCS structure 2220. A "Restaurant, no consumption of alcoholic beverages permitted" is also coded as structure 2220. The former is listed as a prohibited use in district X. It is not considered a permitted use in X simply because it falls within the same LBCS classification as the latter use.

Table 4.6-1 PERMITTED USE MATRIX:

Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column (i.e. section 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this ordinance.

Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RFR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Accessory uses																			
Accessory uses (see § 5.1)			1130	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential Uses																			
Accessory Dwellings (see § 10.4)	1100	1130	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupying second floors or above (no unenclosed storage) (see § 5.35)		2300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	-	-
Dwelling, Duplex (two-family dwelling)	1100	1121	P	-	-	-	-	P	P	P	P	-	-	-	-	S	-	-	-
Dwelling, Manufactured home, Class A	1100	1150	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated Lee County and Town of Broadway only (see § 10.5)			See also - Class A Manuf. Home permitted by right in MH overlay districts																
Dwelling, Manufactured home, Class A	1100	1150	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
City of Sanford only (see § 10.5)			See also - Class A Manuf. Home permitted by right in MH overlay districts																
Dwelling, Manufactured home, Class B	1100	1150	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated Lee County only (see § 10.5)			See also - Class B Manuf. Home permitted by right in MH overlay districts																
Dwelling, Manufactured home, Class B	1100	1150	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
City of Sanford and Town of Broadway only (see § 10.5)			See also - Class B Manuf. Home permitted by right in MH overlay districts																
Dwelling, Manufactured home, Class C	1100	1100	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated Lee County only (see § 10.5)			See also - Class C Manuf. Home permitted as a special use in MH overlay districts																
Dwelling, Manufactured home, Class C	1100	1100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
City of Sanford and Town of Broadway only (see § 10.5)			See also - Class C Manuf. Home not permitted in MH overlay districts																
Dwelling, Modular home	1100	1110	P	P	P	P	P	P	P	P	P	-	-	-	-	S	-	-	-
Dwelling, Multifamily (three or more units) (see § 10.3)	1100	1200	-	-	-	-	-	P/D	P/D	P/D	P/D	-	-	-	-	S/D	-	-	-
Dwelling, Single-family attached (see § 10.3)	1100	1120	-	-	-	-	-	P/D	P/D	P/D	P/D	P/D	-	-	-	S/D	-	-	-
Dwelling, Single-family detached	1100	1110	P	P	P	P	P	P	P	P	P	-	-	-	-	S	-	-	-
Home Occupations (see § 5.16)			P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Manufactured Home for Hardship			P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated Lee County only (see § 10.6)			Manuf. Home Parks only permitted within a MH overlay district																
Manufactured Home Park (see § 4.11)	1100	1100																	
Rural Family Occupation	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unincorporated Lee County only (see § 5.30)																			

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RFR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Accommodations and Group Living																			
Bed and breakfast Inn (see § 5.4)	1310		P/D	P/D	-	-	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-
Boarding house/Room Renting	1320		-	-	-	-	S	S	S	P	P	P	P	P	P	P	P	-	-
Dormitories for the students of colleges, commercial schools, staff of hospitals	1320	1320	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	-	-
Family Care Homes (see G.S. § 168-21) (see § 5.12)	6520		P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-	-	-	-	-	-	-
Hotel, Motel, and tourist court (see § 5.17)	1330	1330	-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Child and Youth Services	6561		-	-	-	S	S	S	S	S	P	-	-	-	-	P	-	-	-
Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services	6520		S	S	S	S	S	S	S	S	P	-	P	P	P	P	-	-	-
General Sales or Service																			
ABC Store (liquor Sales), incorporated areas only	2155		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)	2420-2440		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Agricultural equipment, sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Animal Hospitals, Veterinary services, Animal Shelters, Kennels/Animal Pet Services (see § 5.3)	2418 2720		S/D	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Antique Shops	2145	2230	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Appliance Sales, Repair and Maintenance, (no outside storage)	2125		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Art dealers, supplies, sales and services	2142		-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Auction sales, general merchandise (no vehicular sales)	2140		-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Auction Sales, vehicular sales			-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P
Bakeries, retail, including manufacturing of goods for sale on the premises only	2151		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Bicycle (non motorized) Sales and/or Repair	2113		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Books, Magazines, music, etc.	2135		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RFR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupying second floors or above (no unenclosed storage)		2300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Camera and Photographic Supplies	2132		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Car Washes and Car Care Centers (see § 5.5)		2593	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Clothing, Jewelry, Luggage, Shoes, etc.	2133		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Computer and Software Sales	2131		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Consumer Goods, not otherwise listed	2140		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Convenience stores, without gas sales	2152	2591	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Convenience stores, with gas sales		2591	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Consignment Shops, Used Merchandise Store (not otherwise listed)	2145	2240	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dry cleaning and laundry	2600		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electronic equipment (small), sales and service	2120		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuary, and other incidental sales of products or related items) - (with indoor storage only)	2123		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuary, and other incidental sales of products or related items) - (with outdoor storage)	2123		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Farmers Markets and market shops, including open markets		2260	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)	2200-2250	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Flea markets (indoors)	2145	2580	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Flea markets (outdoors) (see § 5.14)	2145	2580	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Florist	2141		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Free-standing Ice Vending Unit (see § 5.37)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Furniture or home furnishing sales	2121		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gasoline stations	2116	2270	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)	2151																		
Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)	2151																		
Hardware, home centers, lumber yard, heating and plumbing etc., outside storage	2122 2126 3510 2127	2592																	
Hardware, home centers, lumber yard, heating and plumbing etc., inside storage	2122 2126 3510 2127	2592																	
Heavy Equipment, sales and service	2120																		
Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)	2333																		
Leasing, Commercial and Industrial Machinery and Equipment	2334																		
Gunshops and Gunsmiths	2134																		
Mail order or direct selling establishments/ Electronic Shopping and Mail-Order Houses	2144																		
Manufactured home and/or storage building sales (see § 5.21)	2112																		
Mini-warehousing/Self-service storage leasing (see § 5.22)	3600	2710 2720																	
Medical equipment sales, rental or leasing	2120																		
Monument and cut stone sales																			
Motion Picture, Video and Audio Production	4221 4223																		
Motor Vehicles, Boats, RV's Sales and/or Leasing/Rental (see § 5.24)	2111 2112 11321 14 2331 23322 33320 00																		
Motor Vehicle Parts, Accessories, Tire Sales, enclosed building only	2115																		

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Motor Vehicle, Motorcycle, ATV's, Boats, RV's, etc., repair and service	2110, 2120	2280	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Towing with incidental storage, excluding Salvage Yards & Junkyards	4138	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nurseries and greenhouses, commercial (see § 5.25)	9140	8400	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Office building (general)	2200-2455 5140-5160 6800-6820	2100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Palmistry services, Fortune Tellers, Astrologers	2600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pawnshops (as defined by G.S. 91A-2)	2600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed	2600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pet store or pet supply store	2710	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy or Drugstore, without drive through facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy or Drugstore, with drive through facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Printing and Publishing Services	4210	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Professional Services (Legal, Accounting, Architectural, Graphic, Consulting Services, Research and Development, Advertising, etc.)	24102 41624 17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Real Estate, Sales, Rental & Leasing	2300-2336	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, with drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, no drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building	2100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Rural family occupation - commercial or industrial nature (see § 5.30)			S/D	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), no outside storage	2450-2455		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage	2450-2455		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shopping Center, less than 25,000 sq. ft.	2500		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shopping Center/Superstore, 25,000 - 100,000 sq. ft.		2500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shopping Center/Superstores, over 100,000 sq. ft.	2500		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sporting goods, toys, and hobby sales, excluding guns and gunsmiths	2134		-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
Tattoo Parlor/Tattoo Studio and/or Body Piercing	2600		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tobacco or Tobacconist	2143		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Upholstery and furniture refinishing	2120		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed	3500		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Industrial & Manufacturing Uses																			
Chemicals, plastics and rubber products	3320		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P
Concrete and Asphalt Plants (see § 5.8)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D
Contractors' offices/shop with outdoor storage areas	7110-7450		-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	S	P
Contractors' offices/shop without outdoor storage areas	7110-7450		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dolls, Toys, Games, and musical instruments	3420	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electrical equipment, appliance and components manufacturing	3360	2621	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Finished nonmetallic mineral products (brick, refractories, ceramics, glass, cement, etc.)	3330	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RFR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Food and Beverage manufacturing	3110																P		
(need to add in next group — request information from county)																			
Furniture and Related Products Manufacturing	3230																	P	
Jewelry and Silverware manufacturing	3410																	P	
Junkyard/Automobile Salvage Yard (see § 5.18)																		S/D	
Landfill, LCID and CDLF (see § 5.19)			S/D															P/D	
Landfill, Sanitary (see § 5.20)	4345	6320																S/D	
Leather and Allied Products	3140																	P	
Machinery and Equipment manufacturing (w/ indoor storage/operations only)	3350																	P	
Machinery and Equipment manufacturing (w/ outdoor storage/operations)	3350																	P	
Manufactured housing manufacturing																		P	
Manufacturing, excluding other uses listed in this table	3100-3230, 3400-3520														S			S	P
Metal Manufacturing (excluding smelting operations)	3340																	P	
Metal Manufacturing (smelting and similar operations)	3340																	P	
Mining and Quarries (see § 5.23)	8000-8500		S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D
Office Supply, Inks, etc. manufacturing (except paper)	3430																	P	
Paper and Printing Materials manufacturing	3220																	P	
Petroleum, Asphalt & Coal Manufacturing	3310																	P	
Pharmaceutical Manufacturing																		P	
Pottery Manufacturing & Sales			P															P	
Retail outlets for products manufactured on premises																		P	
Sawmills or Planing Mills																		S	P
Sign manufacturing	3440																	P	P

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Storage of Flammable Liquids (In Bulk) Above Ground Storage (see § 5.31)	3600	2780 2781 2782	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D	S/D
Textile Mills & Apparel Manufacturing	3130		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tire Recapping			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tobacco Manufacturing	3120		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Transportation equipment, automobiles, aircraft, boat, railroad, etc.	3770		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Warehouse structures, generally	3600	2730 2740 2750 2760	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Wood Products, (except furniture)	3210		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Arts, Recreation & Entertainment																			
Aquarium or Planetarium		4420 4430	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Adult establishments (see § 5.2)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D	S/D
Amphitheater		3130	S	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-
Amusement or Theme Park Establishment	5310		-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	S	P
Art galleries	5210	4400	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Botanical gardens & arboreta	5230	4450	P	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-
Bowling alley	5380	3200	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Campgrounds (see § 5.29)	5400		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-in theaters (see § 5.11)		3140	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	-
Entertainment Establishments (lounges, discos, nightclubs, pool halls and/or private clubs) (see § 5.26)			-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	P/D	P/D	P/D
Exhibition, convention, or conference structure		3400	-	-	-	-	-	-	-	-	-	-	S	S	P	P	P	P	P
Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed)	5370		S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Golf courses, public and private	5370		S	S	S	S	S	S	S	S	S	S	-	-	-	-	-	P	P
Golf driving ranges	5370		S	S	S	S	S	S	S	S	S	S	-	-	-	-	-	P	P
Golf, miniature	5340		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Hunting and trapping, game retreats, game and fishing preserves	9520		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Movie Theater		3120	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Museums and art galleries	5210	4400	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.)		6970	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Parks, playgrounds, and athletic fields operated on a noncommercial basis	5500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Performance Theaters (outdoor)	5110	3110	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Performance Theaters or auditoria (indoor)	5110	3110	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Raceways, drag strips (motorized vehicles)	5130		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D
5.27																			P/D
Recreation activities, commercial indoor, not otherwise listed	5300		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Recreation activities, commercial outdoor (defined in Article 5), not otherwise listed 5.61	5310	4440	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D
Skating Rink - Ice Or Roller Skating	5390		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Sports stadiums or arenas	5120	3300	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Stables/Riding Academies		8240	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Stable, Accessory to Dwelling	5300	8240	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Studios for artists, designers, musicians, photographers, sculptors, woodworking (not as home occupation)	5210	4410	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Travel/Trailer Parks (see § 5.36)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Zoos	5230	4450	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Education, Public Administration, Health Care, and Institutional																			
Cemeteries, public and private (does not include individual family plots) (see § 5.6)		4700	P/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation	6830	3700 3800	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Community food services (see § 5.7)	6563		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Correctional facilities (see § 5.9)	6222	4600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D
Crematorium & Embalming	6720	4800	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RFR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Day Care facility, Child Care Center (see § 5.10)	6562		S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	-	-	
Day Care facility, Home Child Care (see § 5.10)	6562		P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-	
Day care facility, Adult	6566		S	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	
Fire, sheriff, and emergency services	6400-6430	4500-4530	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	
Funeral homes	6710	4800	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	
Governmental Functions, not otherwise listed	6200-6221		S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
Hospitals	6530	4110	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	
Libraries		4300	S	S	S	S	S	S	S	S	S	P	P	P	P	P	-	-	
Medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, and blood or organ banks	6510-6514	4120	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-	
Post office	6310		-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	
Religious Complex (less than 350 seats), new site	6600	3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Complex (more than 350 seats), new site	6600	3500	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
Religious Complex (any size), addition to existing complex/site	6600	3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Schools, Continuing Education (alternative, adult, colleges and universities, and technical, trade, and other specialty schools)	6124-6144	4220	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
Schools, Pre-K - Secondary (nursery and pre-school, grade schools, elementary, middle, and high school), new site	6110-6123	4210	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	
Schools, Pre-K - Secondary (nursery and pre-school, grade schools, elementary, middle, and high school), addition to existing site	6110-6123	4210	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Schools, Fine and Performing Arts	6145		-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	
Social assistance, welfare and charitable services	6560-6568		-	-	-	-	-	-	-	-	-	S	P	P	P	S	-	-	
Transportation, Communication, and Utilities																			
Airports, Heliports, and Support Establishments	4110-4114	3920-5600-5650	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Bus passenger stations/terminals/shelters	4133	5300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Freight terminals & truck terminals	4140-4144		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gas or electric generation distribution facilities, compressor stations, or substations	4310	6410-6422, 6440-6460	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hazardous waste facilities (subject to G.S. § 130A-293)		6340	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Parking lots, parking structures or underground parking areas (commercial or governmental)		5200-5250	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Power generation plants or substations		6430-6434	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public utility storage and service yards			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Radio and TV stations and studios (excluding transmission tower)	4231		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Railroad freight yards, repair shops/sheds and marshalling yards	4123	5720	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sewage treatment and Water treatment plants	4340		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Solid Waste Collection, Transfer and/or disposal (Non-Hazardous)	4343		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Solid Waste Convenience Centers			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Solid waste combustor or incinerator	4344	6330	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Taxi and Limousine Service	4137		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Telecommunication towers (see § 5.33)	4230	6500	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)		6100-6162	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agriculture																			
Animal Production and Support Services, (unincorporated Lee County)	9300-9380	8200	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Animal Production and Support Services, (Sanford and Broadway)	9300-9380	8200	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Crop Production and Support Functions, (unincorporated Lee County)	9100-9240	8100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Use	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Restricted Residential	R-20 Residential Single-Family	R-14 Residential Single-Family	R-12SF Residential Single-Family	R-12 Residential Mixed	R-10 Residential Mixed	R-6 Residential Mixed	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Crop Production and Support Functions, (Sanford and Broadway)	9100-9240	8100	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services, (unincorporated Lee County)	9400-9430		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services, (Sanford and Broadway)	9400-9430		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Livestock sales and markets	9200		P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Signs - See Article 11 of this ordinance																			
Temporary Uses - See section 5.34 of this ordinance																			
(Ord. of 9-19-2005; Ord. of 7-21-2008, § 2)																			

4.7. Dimensional and density regulation.

4.7.1. *Purpose.* This section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to G.S. §§ 153A-340 and 160A-381(a).

Developments in the PUD, TND, and TOD districts shall be governed by their respective sections in this ordinance and shall not be subject to the dimensional and density regulations of this section 4.7 or Table 4.7-1.

4.7.2. Density regulations.

4.7.2.1. *Single-family residential density.* For conventional subdivisions, the ordinance does not establish a maximum or minimum number of total permitted dwelling units, because the total number of dwelling units is governed by minimum lot size. Cluster subdivisions shall not be subject to minimum lot size, but total permitted dwelling units shall not exceed the amount established as set forth in Table 4.7-1.

4.7.2.2. *Non-residential and multi-family density.* Impervious surface ratio is the measurement tool used to regulate density for non-residential zoning districts. Impervious surfaces include all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Impervious surface ratio is a measure of the amount of impervious area that covers a parcel or tract. As an example, a maximum impervious surface ratio of 0.7 indicates that a maximum of 70 percent of the land area may be covered with an impervious surface.

Table 4.7-1 establishes a maximum impervious surface ratio for each of the non-residential zoning districts.

4.7.3. Dimensional regulations.

4.7.3.1. *Setbacks.* Setbacks for buildings or structures are measured as the area between the furthest projection of a principal structure and the lot line on which the structure is located, except as modified by the standards of this section. Setbacks shall be unobstructed from the ground to the sky except as specified in this section. Building setbacks for each zoning district are set forth in Table 4.7-1.

The following features may encroach into a required building setback:

- Bay windows or other structural overhang, not to exceed three feet;
- Chimneys, not to exceed two feet;
- Heating and cooling units, not to exceed feet;
- Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed two feet;
- Steps, stairs or fire escapes (non-enclosed), not to exceed six feet;
- Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with section 5.1, "Accessory Uses and Structures".

4.7.3.2. *Setbacks for lots with more than one street frontage.* Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this ordinance. For undeveloped multiple frontage lots, the developer has the option to determine which yard shall be considered the "front" so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to an existing developed lot, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered street side yards and the rear yard shall be that yard that is opposite the designated front yard.

4.7.3.3. Provisions for reduced front yard setback in developed areas.

- (a) The minimum or maximum front setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less or more than the minimum or maximum required setback. In such cases, the minimum or maximum front setback on such a lot may be less or more than the required front setback, but not vary by more than five feet from the average of the existing front setbacks on the developed lots within 300 feet of each side.
- (b) Where the applicant requests an adjustment in the front setback, the average setbacks shall be provided by the applicant based upon public records or actual measurements. Where the administrator requires an adjustment in the maximum front setback, such information shall be provided by the department of community development. The department of community development is also authorized, but not required, to provide data pertaining to the average setback for designated areas of the county for purposes of this section.

4.7.4. Height regulations.

4.7.4.1. Measurement. Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.

4.7.4.2. Exceptions to height restrictions. Zoning district height limits shall not apply to:

- Belfries, cupolas, spires, or domes,
- Monuments,
- Airway beacons,
- Structures for essential services,
- Windmills,
- Flagpoles,
- Chimneys and chimney flues,
- Telecommunications towers (subject to the provisions of section 5.33 of this ordinance),
- Bulkhead,
- Elevator,
- Water tank,
- Or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

Table 4.7-1: Density and Dimensional Standards

(A)	(B)	(C)	(D)	(E)	(F)	(G)		
Zoning District	Minimum Lot Size Conventional	Maximum Density	Impervious Surface Ratio	Minimum Lot Width (see note)	Maximum Building Height	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setbacks
Residential Agricultural (RA)	40,000	1.0	-	100	40	30	15	30
Restricted Residential (RR)	30,000	1.5	-	100	40	30	15	30
Residential Single-Family (R-20)	20,000	2.0	-	100	40	30	15	30
Residential Single-Family (R- 14)	14,000	3.0	-	75	40	30	12	20
Residential Single-Family (R- 12SF)	12,000	3.5	-	75	40	30	12	20
Residential Mixed (R-12)	12,000	3.5	-	75	40	30	12	20
Residential Mixed (R-10)	10,000	4.0	-	70	40	25	10	20
Residential Mixed (R-6)	6,000	7.0	-	60	40	20	8	20
Multi-Family (MF-12)	—	12.0	-	50	60	20	20	20
Neighborhood Commercial (NC)	—	—	0.7	50	50	10	0	0
Office & Institutional (O&I)	—	—	0.7	50	60	10	0	0
Light Commercial & Office (C-1)	—	—	0.7	50	50	10	0	0
Highway Commercial (HC)	—	—	0.8	50	—	10	0	0
General Commercial (C-2)	—	—	0.8	50	—	10	0	0
Central Business District (CBD)	—	—	1	—	—	0	0	0
Light Industrial (LI)	—	—	0.8	80	—	30	0	0
Heavy Industrial (HI)	—	-	0.9	100	—	30	0	0

Note 1. Generally The requirements for the parameters set forth in Columns (B) through (G), above, relate to the zoning district specified in the row under Column (A), above. A dash (-) indicates that the requirement does not apply within the particular zoning district. Fractions shall be rounded up.

Note 2. Column (B) - Minimum lot size applies only to Conventional Subdivisions. Lot size requirements for Cluster Subdivisions, Conservation Subdivisions, PUD and/or TND developments are governed within the specific sections of this ordinance that addresses these optional development styles. The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in subsection 4.7.4 of this ordinance for minimum lot area.

Note 3. Column (C) - The maximum density requirements (Column (C)) are expressed in dwelling units per acre. Additional rules of interpretation are set forth in section 4.7 of this Article.

Note 4. Column (D) - The impervious surface ratio (column (D)) are maximums and are expressed as a ratio (See Appendix A for definitions). Additional impervious surface restrictions might apply to portions of a site located within the Watershed Conservation Overlay Districts.

Note 5. Columns (E) - (G) - The dimensions specified in Columns (E) through (G) are expressed in feet. Rules of interpretation for setback and height requirements are set forth in subsections 4.7.3 and 4.7.4, above.

Note 6. See section 10.3 for additional standards for Multifamily Dwellings, Townhouse, etc

Note 7. For Cul-de-sac and/or Corner lots see section 6.6 Lot Design Standards.

4.8. Reserved.

4.9. Planned unit development (PUD).

4.9.1. *Purpose.* The purpose of the planned unit development district (PUD) is to provide for the orderly development of land with a mix of land uses and intensity. PUD zoning is intended to permit flexibility in the design, construction and processing of residential and non-residential developments of a quality that could not

be achieved under conventional zoning approaches. While the conventional zoning districts and the requirements of those districts set forth in the UDO are reasonable, there may be circumstances in which it is in the community's best interests to allow unique and/or creative designs and techniques that:

- Promote the most appropriate use of a parcel,
- Allow diversification of use,
- Facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities,
- Preserve and utilize open space,
- Offer recreational opportunities close to residential uses, and
- Enhance neighborhood appearance.

4.9.2. *Applicability.* A PUD shall consist of not less than five continuous acres.

4.9.3. *Processing procedures.* A PUD shall be considered a conditional zoning district and shall be processed in accordance with section 3.4 of this ordinance. A major site plan shall be submitted in accordance with appendix B.

4.9.4. *Permitted uses.* The uses permitted in a PUD district shall be the permitted uses as set forth in the approved site plan. The site plan shall designate land use categories consistent with the zoning district classifications of this ordinance. Within each land use category, proposed uses shall be subject only to the permitted uses in Tables 4.6-1 for each land use category and the maximum density for each land use category in Table 4.7-1. A planned unit development may contain any type of residential uses except manufactured homes.

4.9.5. *Land use composition.* No site plan for a PUD district shall be approved unless the following minimum percentages of land uses are provided for within the boundaries of the district:

- Moderate density residential (4-7 units per acre) = 20%
- High density residential (8 or more units per acre) = 10%
- Commercial uses as permitted in the NC, C- 1, C-2, or O&I zones = 10%
- The CBD and OI zoning districts Parks and open space shall be required in accordance with section 6.5 of this ordinance.

4.9.6. *Design standards.*

4.9.6.1. The land uses within a PUD shall not be subject to any of the dimensional or density provisions of section 4.7, except that a perimeter setback of 25 feet shall be maintained.

4.9.6.2. Uses within the PUD shall comply with Article 7, Buffering and Landscaping standards of this ordinance except as otherwise provided.

4.9.6.3. Streets within the PUD shall be public streets and shall conform to the requirements of Article 10 of this ordinance.

FIGURE 4.9-1. - RECOMMENDED DESIGN ELEMENTS FOR A PLANNED UNIT DEVELOPMENT (PUD)

Architectural Elements.

(a) Building height, rhythm, articulation, massing and bulk should be compatible with the individual site attributes and with the surrounding neighborhoods.
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FIGURE 4.9-1. - RECOMMENDED DESIGN ELEMENTS FOR A PLANNED UNIT DEVELOPMENT (PUD)
(b) Distinctive architectural details such as covered front entries, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features should be provided on each dwelling, or principle structure. A variety of roofing colors, textures, and component shapes including shake shingle, shale, and wood compositions, should be provided.
(c) Significant architectural differences in the choice of elevations, rooflines, and exterior colors for each residential floor plan should be provided. Not more than three (3) adjacent homes should contain the same front facade, and not more than three (3) adjacent homes should contain the same rear facade visible from arterial street view, on any block front. Homes facing one another (across the street) should not have the same facade. No adjacent home should contain the same elevation. Residential design guidelines should be provided, which include a variety of conceptual standard plans, and may include: variation in building setbacks, detached garages, recessed garages if attached to the principal building and fencing alternatives.
(d) Garage fronts should be de-emphasized and shall not be the most prominent architectural feature of the house. This should be accomplished by providing side access garages, detached "in-line" garages, and/or L-shaped floor plans on not less than fifty percent (50%) of the lots. Garages should be recessed at least one car length in order to provide interest and relief from the street. The front elevation should include a porch or similar entrance designed for persons rather than automobiles with the garage area not to exceed forty percent (40%) of the front facade.
Recreation Elements.
(a) Not less than 20 percent (20%) of the residential units shall be located within 660 feet of a pedestrian, equestrian and bicycle trail.
(b) Recreation and open space facilities should be aligned with the community parks and open space network, as provided in any adopted land use plans or parks and recreation master plans.
(c) Neighborhood scale recreation facilities and amenities should be provided which are functional, not retention/detention or basin-like in design. Retention basins used in conjunction with recreational facilities or amenities should be designed in accordance with the Storm water Management Standards of this ordinance. Such areas should include turf or landscaping within all areas not permanently covered with standing water.
(d) Gateway treatments may be incorporated at appropriate locations along an open space network.
Transportation Elements.
(a) Park-and-ride lots may be incorporated with planned facilities.
(b) Bicycle lanes should be included along at least seventy percent (70%) of the linear frontage of all planned collector streets.
(c) Bicycle parking facilities should be provided for all uses except single-family detached and duplex residences.
(d) A customized entrance may be provided at the entry street intersecting a thoroughfare or collector which features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median or other similar treatment.

4.9.7. *Modification of approved final site plan.* Following approval of the PUD district and the special use permit, no modification of the land use category designations, design standards, uses, densities or any other condition of the site plan shall be permitted unless a new special use permit is approved. However, the department of community development may approve the following modifications in writing without a new site plan:

- A change in the location of not more than ten percent of the dwelling units or floor area;
- A change in the location of any part of open space acreage of not more than ten percent of the gross acreage;
- A change in the location of any part of proposed street alignment and lot configuration of not more than ten percent of the gross acreage;

- An increase or decrease of any setback by not more than five feet for setbacks of less than 50 feet, or ten percent for setbacks exceeding 50 feet.

4.9.8. *Design elements.* PUD zoning is intended to permit flexibility in the design, construction and processing of residential, commercial and/or industrial developments of a quality that could not be achieved under conventional zoning concepts. Therefore, the design elements as set forth in Figure 4.9-1 shall be provided in the design of a planned unit development.

All facilities including parks, open space, streets, water, sewer, stormwater, and landscaping that are not dedicated to and accepted by a municipality or county shall be maintained by the following or a combination of the following:

- A condominium association, a homeowners' association, or a cooperative housing corporation; or
- A special assessment district organized pursuant to G.S. Chapter 153A, Article 9 or Chapter 160A, Article 10; or
- A public enterprise organized pursuant to G.S. Chapter 153A, Article 15 or Chapter 160A, Article 16; or
- A service district organized pursuant to G.S. Chapter 153A, Article 16; or
- A redevelopment commission organized pursuant to G.S. Chapter 160A, Article 22; or
- An authority organized pursuant to G.S. Chapter 160A, Articles 23 - 28, to the extent permitted by law; or
- A water or sewer authority or a water or sewer district organized pursuant to G.S. Chapter 162A.

Nothing in this section shall require the County of Lee to approve any district or authority.
(Ord. of 9-19-2005)

4.10. Traditional neighborhood development.

The traditional neighborhood development (TND) option is designed to permit the development of land in a manner consistent with the historic and timeless principles of Sanford's existing neighborhoods. A TND combines a variety of housing types with commercial and civic uses in a compact, walkable neighborhood setting. TNDs feature a highly interconnected street network and setbacks appropriate to create a public realm built on a human scale. The TND use pattern implements the following policies of the land use plan:

- To direct new development toward less developed geographic areas of the county without encouraging urban sprawl (Goals - Community Theme).
- Increase locations for multi-family housing and overall densities (Article 4).
- Achieve quality growth (Land Use, Goal 2).
- Use existing infrastructure efficiently (Land Use, Goal 3).
- Provide long term quality development and attractive public space (Urban Design, Goal 2).
- Improve the overall appearance of the community (Urban Design, Goal 3).
- Promote the community as a major activity center for retail, recreation, and cultural activities (Economic Development, Goal 2).
- Provide residential areas that support other land use goals by efficient and economical use of resources and minimize their effect on the natural environment (Housing, Goal 3).
- Promote a full range of housing types that include single family, multi-family, group quarters, manufactured homes, and mobile home parks that will allow all persons the opportunity to live in decent, safe, and sanitary housing (Housing, Goal 1).
- Develop a transportation system that provides safe, effective, efficient traffic flow (Transportation, Goal 1).

- Develop a comprehensive pedestrian system for the community (Transportation, Goal 2).
- Provide residential areas that support other land use goals by efficient and economical use of resources and minimize their effect on the natural environment (Housing, Goal 3).
- Provide amenities convenient to residential areas such as shopping facilities, community facilities and services, parks and open space, natural areas, and mass transit (Housing, Goal 8).

The TND concept is particularly well suited to the plan's emphasis on identifiable neighborhoods and community. By providing compact residential development linked with pedestrian facilities, shopping and employment opportunities within walking distance of residential areas, and an identifiable edge, a TND provides a sense of community.

4.10.1. *Applicability.* The provisions of this section apply to any application for a TND as provided in subsection 4.10.2 hereto. Furthermore, it is understood that the standards as set forth in the remainder of this section 4.10 are intended as general guidelines for the creation of a traditional neighborhood development. A proposed TND development may deviate from the standards as set forth in this section if it can be demonstrated that the alternative approach is in keeping with the spirit of a traditional neighborhood development.

4.10.2. *Processing procedures.* A TND shall be considered a conditional zoning district and shall be processed in accordance with section 3.4 of this ordinance.

4.10.3. *Size and location of site.*

4.10.3.1. *Location.* A TND may be located adjacent to, but shall not be bisected by, a secondary arterial or primary arterial street unless the street is designed to conform to the requirements of an Avenue or Main Street (see Article 10 of this ordinance).

If the TND is located adjacent to a collector or higher classification street and the street is not designed to conform to the standards of an Avenue or Main Street, the following criteria shall apply:

- (a) The internal streets providing access to the TND shall be aligned perpendicular to the collector or higher order street.
- (b) The buildings or structures which take access from the internal streets shall face the internal streets and not the collector or higher order streets.

4.10.3.2. *Subareas.* The Site shall be divided into the following subareas:

- (a) A center ("center") consisting of civic, retail, service, and multi-family uses. The size of the center is based on the size of the entire site, as provided in subsection 4.10.3.3, below.
- (b) A neighborhood or series of neighborhoods consisting of multi-family and single-family uses, small-scale retail and service uses, and public outdoor gathering places. All areas within a neighborhood shall be within 1,320 feet (one quarter-mile from edge to edge). A neighborhood shall be not less than ten or more than 40 acres in size. This land area does not include greenbelts located on the periphery of the neighborhood.
- (c) Parks and open space, including a plaza and a greenbelt (see parks and open space standards, section 6.5 of this ordinance). The plaza provides a community focal point and public gathering place, while the greenbelt provides a clear edge to the community, open space for community residents, and natural areas for stormwater management.

4.10.3.3. *Centers.*

- (a) The center shall have a minimum area of 30,000 square feet. For a TND exceeding 250 dwelling units, the center shall have a minimum area of 120 square feet per dwelling unit.

Example: A proposed TND has 600 dwelling units. The minimum square footage for the center is 72,000 square feet (600 by 120).

- (b) A center shall only be located on a Main Street (see transportation standards).
- (c) The center may face or surround a plaza or square.
- (d) A continuous system of sidewalks shall connect the center with streets and lanes which provide access to dwelling units.

4.10.4. *Uses and density.*

4.10.4.1. *Density.* The requested densities, in terms of number of units per gross residential acre and total number of dwelling units shall be set forth in the subdivision and/or site plan application. The subdivision plat or site plan for a TND shall comply with Table 4.10-1 hereto. The applicable land use categories are set forth in Column (A). The minimum land area which shall be devoted to the land use is shown in Column (B), and the maximum land area which shall be devoted to the land use is shown in Column (C). Minimum land area is stated as the percentage of gross land area. The density for the particular residential use shall be at least the amount set forth in Column (D). The density for a residential use shall not exceed the amount shown in Column (E). The floor area ratio (FAR) for the particular use shall be at least the amount set forth in Column (G) and shall not exceed the amount shown in Column (H). A dash (—) indicates that the standard is not applicable.

TABLE 4.10-1

(A)	(B)	(C)	(D)	(E)	(F)	(G)
<i>Land Use Category</i>	<i>Minimum Land Allocation</i>	<i>Maximum Land Allocation</i>	<i>Minimum Density (dwelling units per gross acre)</i>	<i>Maximum Density (dwelling units per gross acre)</i>	<i>Minimum FAR</i>	<i>Maximum FAR</i>
Parks & Open Space	5% or 5 acres, whichever is greater	—	—	—	—	—
Civic Uses	2%	20%	—	—	2.0	6.0
Retail or Service Uses	5%	20%	—	—	1.5	6.0
Multi-Family Uses	10%	40%	5	30	1.5	6.0
Single-Family Uses	15%	75%	4	10	—	—

4.10.4.2. *Location of uses.* The location of uses shall be governed by street frontage, consistent with Table 4.10-2, below:

TABLE 4.10-2

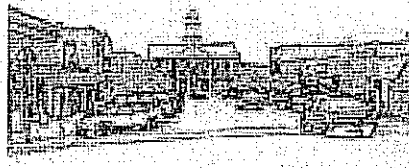
(A) Street	(B) Civic Uses	(C) Retail or Service Uses	(D) Multi-Family Uses	(E) Single-Family Uses
Parkways	*	—	—	*(1)
Boulevard	*	*	*	*(1)
Main Street	*	*	*	—
Avenue	*	*	*	—
Local	—	—	*	*
Lanes	—	—	—	*

Rules of interpretation for Table 4.10-2:

1. Single-family dwellings located on a Parkway or a Boulevard shall have access to an alley. A single-family dwelling shall not have a driveway on the Parkway or Boulevard.

4.10.4.3. *Abutting uses.* Uses may abut at side or rear lot lines, or face across streets or parks, regardless of whether they are in the same or a different land use category, except as provided herein. Retail or service uses may abut single-family uses only where the retail or service uses is located at the intersection of a Main Street, Boulevard, or Avenue.

4.10.4.4. *Vistas.* Prominent sites should be reserved for the following building types: (A) Civic buildings, including government offices, libraries, museums, schools, or churches; (b) hotels; or (c) office buildings. A "prominent site" may include a location along a Main Street, or the termination of a vista running from a Main Street, Boulevard, or Avenue and its intersection with an equal or lower order street.



4.10.4.5. *Accessory dwelling.* Accessory dwellings shall be permitted on any lot designated for single-family detached dwellings consistent with section 5.1 of this ordinance.

4.10.5. *Lot arrangement and dimensions.*

4.10.5.1. All lots shall include frontage abutting a street. For a proposed TND not exceeding 80 acres in size, at least 90 percent of the dwelling units shall be located within a five minute walk (1,320 feet) from the perimeter of a park. For a proposed TND which is at least 80 acres in size, at least 50 percent of the dwelling units shall be located within a five minute walk (1,320 feet) from the perimeter of a park.

4.10.5.2. All buildings (excluding accessory buildings) shall have an entrance which opens to a street, a sidewalk, a green, or a square. This facade shall be considered the front of the building, and the facade facing the rear lot line shall be considered the rear of the building. Parking area shall be located between the rear of the building and the rear lot line. The setback for principal buildings shall be as set forth in Table 4.10-3. Setbacks for accessory structures or accessory dwellings shall comply with

section 5.1 of this ordinance. The frontage and setback requirements shall not apply to parks and open space. In order to allow for variations for unique uses, such as anchor retail tenants or auditoriums, the maximum frontage requirements in column (C) shall be computed as an average.

4.10.6. Streets design.

4.10.6.1. Proposed streets within a traditional neighborhood development district shall conform to Table 10-4.

TABLE 10-4: TND STREET DESIGN STANDARDS

Street Type	Trail	Alley	Lane	Local Street	Avenue with Parking	Avenue without Parking	Main Street	Boulevard	Parkway
a. ROW	14'	20'	50'	50'	98'	98'	66'	122'	118'
b. Pavement Width	10'-14'	12'	27'	33'	52'	52'	38'	74'	54'
c. Travel lane width	—	—	8'	9'	11'	11'	11'	11'-12'	12'
d. Maximum Travel Lanes	—	—	—	—	2	2	2	4	4
e. Centerline Grade (max.)	15%	10%	10%	8%	6%	6%	6%	6%	6%
f. Corner Radius	—	—	15'	15'	15'-25'	15'-25'	15'-25'	15'-25'	15'-25'
g. Centerline Radius	—	—	90	90	175	175	175	175	175
h. Drainage	—	—	CG	CG	CG	CG	CG	CG	Sw or CG
i. Median	—	—	—	—	18'	18'	—	20'	30'
j. Sidewalk Width	4'	4'	4'	4'	4'	4'	4'		
k. Bike Lanes	—	—	—	—	6'	6'	6'	6'	—
l. Street Yards (trees)	—	—	Yes	Yes	Yes	Yes	No	Yes	Yes
m. Planting Strips	—	—	6'	6'	6'	6'	6'	6'-10'	7'-20'

NOTES TO TABLE 10-4:

- All values stated are minimums unless otherwise indicated. A single apostrophe (') denotes a dimension expressed in feet. A dash (—) means that the standard does not apply.
- Row "a." The right-of-way includes all areas including the travel lanes, medians, sidewalks, and bike lanes.
- Row "b." Dimensions for pavement width are from curb face to curb face.
- Row "c." Where two lane widths are denoted, the larger travel lane width applies to the interior lanes, while the smaller lane width applies to the exterior lanes.
- Row "d." The number of lanes shall not exceed the maximum number of travel lanes denoted, if applicable.
- Row "e." The maximum grade depends upon the terrain classification pursuant to the NCDOT, Subdivision Roads: Minimum Construction Standards (July 1, 1985 or latest edition), section 1.F - "Maximum Grade."
- Row "e." K values for vertical curve design and maximum centerline grades shall be consistent with design speed, as set forth in the document entitled NCDOT, Subdivision Roads: Minimum Construction Standards (July 1, 1985 or latest edition), which is hereby incorporated by this reference.

- Row "f." For design speeds of 20 mph the criteria for the corner ("curb") radius is 15 feet. Some intersections on avenues, main streets and boulevards may require curb radius of up to 25 feet where required by the design speed. With larger curb radii sidewalks may be set back 6 to 10 feet from curbs and on-street parking may be restricted 30 feet back from the intersection on each street.
- Row "g." The centerline radius shall comply with the NCDOT, Subdivision Roads: Minimum Construction Standards (July 1, 1985 or latest edition), section 1.F - "Minimum Centerline Radius."
- Row "h." "CG" means curb and gutter. "Sw" means swales. "Sh" means shoulders. All curbed streets shall be built in accordance with NCDOT requirements for vertical curb and gutter construction, as set forth in NCDOT, Subdivision Roads: Minimum Construction Standards (July 1, 1985), Figure 5.A and section 1.C "Curb and Gutter." For purposes of Tables 10-3 and 10-4, gutters shall be at least 2 feet in width, while gutters for lanes and street medians shall be at least 1 foot.
- Row "i." For Main Streets, medians are optional but must comply with the minimum width if used.
- Row "j." Sidewalks shall include an additional 2 feet of width if they directly abut fences, walls and buildings.
- Row "k." On Local Streets, bicyclists should be considered a normal part of the vehicle mix on the street and, accordingly, no separate lanes or markings are required. On Collector Streets, including Boulevards, Parkways, and Avenues bicyclists shall be accommodated with six feet wide bike lanes. Applicants may also provide separate routes for less experienced bicyclists may be considered as well. Routing bicyclists within and through TNDs may include signage and striping, including changing the color of the entire bike lane, as appropriate.
- Row "l." For Main Streets, grated tree wells may be used in lieu of planting strips. For Parkways, the sidewalks shall take the form of multi-use trails which may meander at a distance of between six to 15 feet from the paved section of the roadway. The bike lane shall not adjoin the travel lane. A minimum six-foot paved shoulder shall be included on a high-speed parkway (meaning a design speed greater than 45 mph); however, a typical section shall include a shoulder with ditches).
- Row "m." This row refers to the minimum width of the planting strip, located between the curb and sidewalk parallel with the street.

4.10.6.2. A legally responsible organization (i.e. homeowners association, special district, etc.) shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or a special district shall be approved as to form by the attorney for the city, county or town, as applicable.

~~4.10.7. Utilities.~~ See Utilities standards, Appendix C of this ordinance.

4.10.8. *Parks and open space.* Open space shall comply with the standards of Table 4.10-4. The amount of land for each park or open space classification set forth in column (A) shall not be less than that prescribed in column (B), and not more than that prescribed in column (C). TND parks and open space shall comply with the parks and open space standards (section 6.5 of this ordinance).

4.10.9. *Natural resource protection.* See Natural resources protection standards.

4.10.10. *Buffers, landscaping, streetscape planting and tree preservation.* Uses within the TND shall comply with the landscaping standards of this ordinance except as otherwise provided herein. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail, service, or civic land uses shall not be separated from multi-family or single-family land uses by within the TND by berms or buffers unless a trail or sidewalk is established which provides a direct connection between the uses.

4.10.11. *Parking.*

4.10.11.1. Except as otherwise provided by this subsection, parking requirements for all uses shall be in accordance with the parking standards (article 8 of this ordinance).

4.10.11.2. The minimum parking space requirements of the parking standards shall not apply to a TND.

4.10.11.3. Parking lots shall be located at the rear or at the side of buildings. Not more than two rows of parking shall be located to the side of a building.

4.10.11.4. Parking lots and parking garages shall not: (1) abut street intersections or civic use lots; or (2) occupy lots which terminate a street vista (see subsection 4.10.4).

4.10.11.5. Parking lots shall be located in the interior of a block or shall take access from an alley or shall be located to the rear of a building.

4.10.11.6. Loading areas shall adjoin alleys or parking areas to the rear of the principal building.

4.10.11.7. On-street metered and structured parking is encouraged.

4.10.11.8. Parking areas exceeding 150 contiguous spaces shall be in structured parking. This requirement shall not apply to park and ride lots.

4.10.12. *Outdoor storage.* The proposed development shall comply with the outdoor storage regulations (section 11.1 of this ordinance).

4.10.13. *Urban design.*

4.10.13.1. Buildings facing across streets shall be located or have sufficient height to achieve an enclosure ratio as follows:

- Civic, retail, service uses - 1:3 or 30 percent
- Multi-family, single-family uses - 1:4 or 25 percent

This provision does not apply to buildings which face a park or plaza.

4.10.13.2. Front porches shall be provided on not less than 50 percent of all dwelling units within the Single-family land use allocation. Porches shall be constructed of masonry or wood materials. Architectural metal may be used if it is compatible with the exterior or roofing materials of the primary building. The seating area shall have a minimum width of nine feet and a minimum depth of five feet.

4.10.13.3. Retail and Service uses may designate the entire building area above the ground floor or the second floor for residential use.

TABLE 4.10-3 TND DIMENSIONAL STANDARDS.

(A) Location	(B) Min. Front- age ¹	(C) ;Max. Aver- age Front- age	(E) Min. Front Setback	(F) Max. Front Setback	(G) Min. Side Setback ²	(H) Max. Side Setback	(I) Min. Rear Setback
Parkways	100'	—	10'	20'	5'	—	40'
Boulevard	40'	80'	5'	20'	5'	20'	20'
Main Street	—	40'	—	5'	—	5'	5'
Avenue	20'	40'	5'	20'	5'	—	20'
Local	20'	70'	5'	30'	5'	—	20'
Lanes	20'	70'	5'	30'	5'	—	20'

Notes to Table 4.10-3:

1. NCDOT may apply additional standards for connection to state roads, in which case approval from NCDOT may be required.
2. Applies only to single-family detached dwellings, or buildings or structures adjacent to a single-family detached dwelling.

TABLE 4.10-4 TND OPEN SPACE STANDARDS.

(A) TYPE	(B) MINIMUM LAND ALLOCATION - SIZE	(C) MAXIMUM LAND ALLOCATION - SIZE
Parks	Greater of 5% GLA or 5 acres.	40% GLA total. Maximum size per park is 3 acres.

(A) TYPE	(B) MINIMUM LAND ALLOCATION - SIZE	(C) MAXIMUM LAND ALLOCATION - SIZE
Greenways or Greenbelts	No minimum acreage requirement. Greenways or Greenbelts shall be located within natural areas such as steep slopes, floodplains, or significant stands of trees.	N/a
Square	60,000 square feet.	120,000 square feet.

(Ord. (W-4-08) of 5-6-08)

4.11. Manufactured home overlay ("MH") district.

4.11.1 *Purpose.* The purpose of this overlay zoning district is to provide sufficient land area for the provision of manufactured housing in order to implement G.S. § 160A-383.1 and to provide affordable housing opportunities for low and moderate-income persons.

4.11.2. *Applicability.*

4.11.2.1. The provisions of this section 4.11 shall apply to: (a) a manufactured home park or (b) individual manufactured homes as placed on individuals, including those within a manufactured home subdivision. Subsection 4.11.3 sets forth the standards and procedures for manufactured (mobile) home parks., while subsection 4.11.4 sets forth the standards and procedures for individual manufactured homes on individual lots.

4.11.2.2. A manufactured home park is defined as any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of two or more manufactured homes or mobile homes as a primary residence. Manufactured home parks shall only be permitted within an MH overlay district as defined in this Section (see Table 4.6-1 for reference). Any existing manufactured home park that is not within an MH overlay district shall be considered nonconforming and subject to the standards for nonconforming uses as set forth in article 12 of this ordinance.

4.11.3. *Application procedures for a manufactured (mobile) home park.*

4.11.3.1. An application for a rezoning to a MH overlay district for a manufactured home park shall be accompanied by a master plan and shall be processed in the same manner as a conditional zoning petition as set forth in section 3.4 of this ordinance.

4.11.3.2. The master plan shall show the circulation pattern, manufactured home park spaces, permanent structures and other site design requirements that may be considered essential by the planning commission. The plan shall include lot numbers for each lot or rentable space within the manufactured housing park.

4.11.3.3. The master plan shall show how all proposed improvements would meet the standards as set forth in subsection 4.11.4, below.

4.11.3.4. *Standards for manufactured homes within a manufactured (mobile) home park.*

- The minimum land area for the entire site shall be five acres.
- No manufactured home shall be located closer than 25 feet from a property line of an adjacent lot or parcel under separate ownership and no closer than 30 feet from a public street right-of-way.
- A Type "A" buffer yard which conforms to the requirements of article 7 of this chapter shall be established along any property line adjoining another residential zoning district.

- All driveways within the manufactured home park shall comply with the standards of article 8 of this ordinance.
- Streetlights shall be installed and shall conform to any standards prescribed by the respective jurisdiction.
- In lieu of the dimensional and density requirements of section 4.7, Table 4.7-1, spaces for manufactured homes shall comply with the criteria set forth in Tables 4.11-1 and 4.11-2, below. The minimum distance between manufactured homes shall be 20 feet.
- All manufactured home spaces shall abut upon a paved internal street not less than 20 feet in paved width exclusive of parking.
- All manufactured home spaces shall adjoin an all-weather surface sidewalk at least four feet in width. An all-weather surface shall include asphalt, gravel or concrete.
- Two off-street parking spaces shall be provided for each manufactured home space. The minimum dimensions of each space shall have minimum dimensions of nine feet in width and 18 feet in length
- If the manufactured home park will contain 100 or more dwelling units, open space shall be required and shall conform to the standards as set forth in section 6.5 of this ordinance.
- Manufactured home parks must provide adequate facilities for the storage and disposal of solid waste. Location of proposed refuse collection area(s) shall be shown on the master plan. This requirement is unnecessary if the developer/operator of the park can demonstrate an ability to serve the park tenants by using individual "rollout" containers.
- The corners of all manufactured home lots or spaces shall be clearly marked on the ground.

4.11.3.5. *Restriction on class "C" manufactured homes.* A class "C" manufactured home, as defined in this ordinance, shall constitute no more than 25 percent of the total amount of manufactured homes within a park. Existing parks that exceed this amount will be allowed to retain such units until such time that a unit is to be replaced. A class C will not be allowed as a replacement home until such time that the park conforms to the maximum of 25 percent.

<i>Table 4.11-1 Manufactured Home Dimensional Standard (for Manufactured Home Parks)</i>		
<i>Standard</i>	<i>Manufactured Home Type I (or single-wide mobile home)</i>	<i>Manufactured Home Type II (or Double-wide Mobile Home)</i>
Minimum area for manufactured home (square feet)	See Table 4.11-2, below	
Width of Space (feet)	40	50
Depth of Space (feet)	100	100
Front Yard (in feet, measured from pavement edge of internal street to manufactured home)	20	20
Side Yard (in feet, between manufactured homes or permanent buildings)	20	20

**Table 4.11-2 Minimum Area for individual Manufactured Homes
(for Manufactured Home Parks)**

<i>Utilities (denoted by asterisk [*])</i>				<i>Minimum Area Outside a Water- shed Overlay District</i>	<i>Minimum Area Inside a Water- shed Overlay District</i>
Individual well	Individual septic tank	Public or Com- munity Water	Public or Com- munity Sewer		
*	*			30,000	40,000
	*	*		15,000	40,000
*			*	7,500	12,500
		*	*	7,500	12,500
Example: lots with septic tanks and public water supply require a minimum 15,000 square feet outside of the Watershed Overlay District					

4.11.4. Application procedures for manufactured homes on individual lots.

4.11.4.1. An application for a rezoning to a MH overlay district to allow for manufactured homes on individual parcels shall be accompanied by a master plan and shall be processed in the same manner as a conditional zoning petition as set forth in section 3.4 of this ordinance.

4.11.4.2. The master plan shall show the boundaries of the proposed and/or existing parcels, the location of the manufactured home on each lot; other structures and any other site design requirements that may be considered essential by the planning commission.

4.11.4.3. Creation of any new lots shall also require compliance with this ordinance's standards for subdivision approval and minimum lot design standards for the base zoning district to which the overlay

4.11.4.4. A manufactured home on an individual lot shall conform to the appropriate type as permitted in Table 4.6-1 and to the appropriate design standards of section 10.5 of this ordinance.

4.12. Historic preservation overlay (HPOD) district.

4.12.1. *Purpose.* Sanford's designated historic districts, hereinafter referred to as the "districts," and historic landmarks, hereinafter referred to as "landmarks" are some of the most valued and important assets of the City of Sanford, Town of Broadway, Lee County and the State. They are established for the purpose of protecting and conserving the heritage of the County of Lee, and state; for the purpose of safeguarding the character and heritage of the districts by preserving the districts as a whole and any property therein that embodies important elements of their social, economic, cultural, political, or architectural history; for the purpose of promoting the conservation of such districts or landmarks for the education, pleasure and enrichment of residents of the districts and the City of Sanford, Town of Broadway Lee County and the state as a whole; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the districts as a whole, thus contributing to the improvement of the general health and welfare of the City of Sanford, Town of Broadway, Lee County and the State and the residents of the districts. This section implements the following provisions of the land use plan:

- Maintain the historic character of the Community (Historic Preservation, Goal 1).
- Identify future Historic Districts (Historic Preservation, Goal 2).
- Maintain the integrity of existing Historic Districts, and expand Historic Districts where possible (Historic Preservation, Goal 3).

4.12.2. *Historic district establishment.*

4.12.2.1. The historic districts are hereby established as districts which overlay existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the County of Lee. The boundaries of the districts are as shown on the official zoning map.

4.12.2.2. Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its history, prehistory, architecture, and/or culture and to possess integrity of design, setting, materials, feeling, and/or association. No district shall be designated, amended, or repealed until the following procedure has been carried out:

- (a) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared, and;
- (b) The department of cultural resources, acting through the state historic preservation officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. The districts shall not be established and the authority and the powers established by this section shall not be implemented until the department of cultural resources has been given an opportunity, in accordance with the provisions of G.S. § 160A-400.4(2), to make recommendations with respect to the establishment of the districts. Failure of the department to submit its written analysis and recommendations to the appropriate governing body within 30 calendar days after a written request for such analysis has been received by the department of cultural resources shall relieve the appropriate governing body of any responsibility for awaiting such analysis, and the appropriate governing body may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.
- (c) The appropriate governing body may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend the zoning ordinance.
- (d) With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subsection (a), above, shall be prepared by the historic preservation commission and shall be referred to the planning commission for its review and comment according to the procedures set forth in the zoning ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the department of cultural resources in accordance with the provisions of subsection (b), above.
- (e) Upon receipt of these reports and recommendations, the appropriate governing body may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning provisions.

4.12.3. *Historic landmark establishment.*

4.12.3.1. The governing body may adopt, and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the historic preservation commission to be of special significance in terms of its historical, prehistoric, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.

4.12.3.2. The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistoric value, including the land area of the property so designated, and any other information the governing body deems necessary. For each building, structure, site, area or object so

designated as a landmark, the ordinance shall require that the delay set forth in subsection 4.12.11 be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent.

4.12.3.3. No property shall be designated as a landmark until the following steps have been taken:

- (a) As a guide for the identification and evaluation of landmarks, the historic preservation commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical architectural, prehistoric, and cultural significance within the County of Lee.
- (b) The historic preservation commission shall make or cause to be made an investigation and report on the historic, architectural, prehistoric, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
- (c) The department of cultural resources shall be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments shall be provided in writing. If the department does not submit its comments to the historic preservation commission within 30 days following receipt by the department of the report, the historic preservation commission and the governing body shall be relieved of any responsibility to consider such comments.
- (d) The historic preservation commission and the appropriate governing body shall hold a joint public hearing (or separate public hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.
- (e) Following the public hearings(s), the historic preservation commission and the appropriate governing body may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
- (f) Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the historic preservation commission in the office of the Register of Deeds of Lee County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the register of deeds office and the historic preservation commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the clerk of the City of Sanford, Town of Broadway, or Lee County and shall be made available for public inspection at any reasonable time.
- (g) Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the historic preservation commission to give notice thereof to the tax supervisor of Lee County.

4.12.4. *Permitted uses.* The districts contain several underlying zoning classifications. All uses permitted in any such underlying district, whether by right or as a special use, shall be permitted in the historic districts according to the procedures established for such uses.

4.12.5. *Dimensional regulations.* Structures within the historic districts shall observe the dimensions and other regulations of this ordinance, except as otherwise provided herein. No structures or part thereof shall be required to be set back further from the front lot line or side lot line than the average distance of the setbacks of the nearest principal buildings within 300 feet on each side of such building and fronting on the same side of the street.

Where the historic preservation commission finds that an authentic restoration or reconstruction of a structure meets the requirements of subsection 4.12.6 of this section, such activity shall be exempt from the dimensional regulations of the underlying zoning district.

4.12.6. *Authentic restoration or reconstruction.*

4.12.6.1. Where the historic preservation commission renders a finding as to the following, such activity may be approved by the historic preservation commission:

- (a) That an application for a building permit covers activity constituting an authentic restoration or reconstruction; and
- (b) The activity will occur in the same location as the original location; and
- (c) Any modification to the structure will conform to the historic and/or architectural significance of the historic district.

4.12.6.2. The historic preservation commission, in approving such authentic reconstruction or restoration, may attach reasonable and appropriate conditions to the approval, such that the public health, safety and general welfare shall be protected.

4.12.6.3. The historic preservation commission shall not be authorized, in action undertaken pursuant to this section, to approve a use of property which is not a use permitted by right or as a special use within the district in which the property is located.

4.12.6.4. In addition to any other condition the historic preservation commission may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the City of Sanford, Town of Broadway or County of Lee (as applicable) blameless against any and all liability, cost, damage, or expense suffered by the City of Sanford, Town of Broadway or County of Lee (as applicable) as a result of or growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the vehicular truck way of a street or alley shall be, at its lowest point, ten feet above the travel way.

4.12.7. *Parking waiver.* The minimum parking requirements of the parking regulations (Article 8) shall not apply within an approved "H" historic overlay district.

4.12.8. *Certificate of appropriateness.*

4.12.8.1. *Applicability.*

- (a) From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, and pavement, or other appurtenant features) no above-ground utility structure nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished on such landmark or within the historic district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The County of Lee shall require such a certificate to be issued by the historic preservation commission prior to the issuance of a compliance permit or building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purpose of this part. A certificate of appropriateness shall be required whether or not a building permit or compliance permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

- (b) For purposes of this section, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.
- (c) Except as provided in subsection (d) below, the historic preservation commission shall have no jurisdiction over interior arrangement and shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the landmark or district.
- (d) Notwithstanding subsection (c) of this section, jurisdiction of the historic preservation commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds of Lee County and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the historic preservation commission's jurisdiction over the interior.
- (e) The County of Lee and all public utility companies shall be required to notify the historic preservation administrator prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the County of Lee or public utility companies. Such entity shall replace any changes described above with similar types of materials.

4.12.8.2. *Procedures.*

- (a) An application for a certificate of appropriateness shall be obtained from and, when completed, filed with the department of community development historic preservation administrator. Applications for certificates of appropriateness shall be considered by the historic preservation commission at its next regular meeting, provided they have been filed, complete in form and content, at least 21 days prior to the regularly scheduled meeting of the historic preservation commission; otherwise, consideration shall be deferred until the following meeting. Historic preservation commission staff may review and approve applications for a certificate of appropriateness for minor works, as amended by the historic preservation commission. No application for a certificate of appropriateness may be denied without formal action by the historic preservation commission.
- (b) The historic preservation commission shall, by uniform rule in its rules of procedure, require data as are reasonably necessary to determine the nature of the application. An application for a certificate of appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.
- (c) Upon receipt of an application, the historic preservation administrator shall notify the historic preservation commission at least seven calendar days before its regularly scheduled meeting.

- (d) Prior to issuance or denial of a certificate of appropriateness, the historic preservation commission shall conduct a public hearing in accordance with subsection 3.1.7.2 of this ordinance. The department of community development shall notify the affected parties per subsection 3.1.6.2 of this ordinance.
- (e) The historic preservation commission shall take action on the application and in doing so shall apply the standards prescribed in subsection 4.12.9, below.
- (f) The historic preservation commission's action on the application shall be approval, approval with conditions, or disapproval.
- (g) Prior to final action on an application, the historic preservation commission, using the standards in subsection 4.12.9, below, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.
- (h) The action shall be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with conditions, or denial.
- (i) If the historic preservation commission fails to take final action upon any application within 60 days after the complete application is submitted to the department of community development historic preservation commission, the application shall be deemed to be approved.
- (j) If the historic preservation commission determines that a certificate of appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.
- (k) As part of its review procedure, the historic preservation commission may view the premises and seek the advice of the department of cultural resources or such other expert advice as it may deem necessary under the circumstances.

4.12.9. *Review criteria.*

4.12.9.1. *Generally.*

- (a) It is the intention of these regulations to insure, insofar as possible, that exterior features including construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district or of landmarks shall be harmonious with the special character of the district or landmark. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or to impose architectural styles from particular historic periods. In considering new construction, the historic preservation commission shall encourage contemporary design which is harmonious with the character of the district.
- (b) In granting a certificate of appropriateness, the historic preservation commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity. In applying these standards, the historic preservation commission shall consider the Secretary of Interiors Standards for Treatment of Historic Properties, 1995, as amended, which document is hereby incorporated by this reference.
- (c) The historic preservation commission shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of the historic district or landmark.



4.12.9.2. *Exterior form and appearance.* The following criteria shall be considered, when relevant, by the historic preservation commission in reviewing applications for a certificate of appropriateness. All applications for certificates of appropriateness shall be subject to review based upon the design guidelines then in effect for the particular historic district. These guidelines shall be established in a document prepared and adopted by the historic preservation commission, and shall be adopted and incorporated by reference in the ordinance designating the historic overlay district or any amendment thereto. When adopted, the guidelines shall become incorporated by reference as a part of this ordinance as if set forth in their entirety herein. The guidelines may address the following:

- Lot coverage, defined as the percentage of lot area covered by primary structures; setback, defined as the distance from the lot lines to the building(s);
- Building height;
- Spacing of buildings, defined as the distance between adjacent buildings;
- Exterior building materials; proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- Surface textures; roof shapes, forms and materials;
- Use of local or regional architectural traditions; general form and proportions of buildings and structures, and relationship of any additions to the main structure;
- Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- Orientation of the building to the street;
- Scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
- Proportion of width to height of the total building facade;
- Archaeological sites and resources associated with standing structures;
- Appurtenant fixtures and other features such as lighting;
- Structural condition and soundness; walls—physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- Ground cover or paving; maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
- Color;
- Effect of trees and other landscape elements; and

- Style, material, size, and location of all outdoor signs.
- (a) The Secretary of the Interior's "Standards for the Treatment of Historic Properties," 1995, as amended, shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for certificates of appropriateness.
- (b) Interior arrangement or design shall be exempt from review by the historic preservation commission. Interior construction and/or reconstruction shall not require a certificate of appropriateness.

4.12.10. *Certain changes not prohibited.* Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature which the building inspector, zoning enforcement officer or similar official shall certify in writing to the historic preservation commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance, or (b) in the event of an emergency, the immediate restoration, of any existing above-ground utility structure with approval by the historic preservation commission.

4.12.11. *Delay in demolition.*

4.12.11.1. An application for a certificate of appropriateness authorizing the demolition, removal, or destruction of a designated landmark or a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The period of delay shall be reduced by the historic preservation commission if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period the historic preservation commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the historic preservation commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.

4.12.11.2. In the case of action initiated by the appropriate governing body, the application for such a certificate will first be reviewed by the historic preservation commission and then by the appropriate governing body for a final order of demolition or removal. The historic preservation commission shall consider the code enforcement officer's inspections and recommendations for demolition or removal of the building or structure. If the historic preservation commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and the final designation has not been made by the appropriate governing body, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the historic preservation commission for up to 180 days or until the appropriate governing body takes final action on the designation, whichever occurs first.

4.12.12. *Appeal of decision.*

4.12.12.1. Written notice of the intent to appeal must be sent to the historic preservation commission, postmarked within 30 days following the decision of the board. The historic preservation board's decision shall be considered a final decision upon filing of the board's order in the clerk to the board's office. Appeals shall be in the nature of certiorari. Appeals of the decisions of the board of adjustment shall be heard by the Superior Court of Lee County and subject to the standards as set forth in section 3.7 of this ordinance.

4.12.12.2. Written notice of the intent to appeal must be sent to the historic preservation commission, postmarked within 30 days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the board of adjustment shall be heard by the Superior Court of Lee County.

4.12.12.3. The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision with 30 days from the date that a notice of appeal by the state is received by the historical commission. The decision of the historical commission shall be final and binding upon both the state and the historic preservation commission.

4.12.13. *Compliance.*

4.12.13.1. Compliance with the terms of the certificate of appropriateness shall be enforced by the historic preservation administrator. Failure to comply with a certificate of appropriateness shall be a violation of the zoning ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a period of one year shall be considered as a failure to comply with a certificate of appropriateness. Nothing contained in this ordinance shall prohibit, impair, or limit in any way the power of the County of Lee to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the historic districts in violation of the provisions of this ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. (See G.S. §§ 153A-123, 153A-372, 160A- 175 and 160A-389.)

(Ord. of 9-19-2005; Ord. of 7-21-2008, § 1)

4.13. **Airport overlay (AOD) district.**

4.13.1. *Purpose.* This district is established to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation, thereby protecting the lives and property of the users of the Sanford-Lee County Regional Airport, the property and occupants of land in the vicinity and the public investment in the airport. This district is further intended to provide for the safe landing, take-off, and maneuvering of aircraft in accordance with Federal Aviation Administration (FAA) standards. The provisions of this section are authorized by G.S. §§ 63-30 to 63-37.1.

4.13.2. *Location.* An airport overlay district is located in the area immediately around the Sanford-Lee County Regional Airport's runway off of Rod Sullivan Road in northern Lee County. The boundary of this district is established as shown on the "Sanford/Lee County Airport Noise Contour and Land Use Plan" map which is incorporated in and made a part of this ordinance. This map was prepared by Hobbs, Upchurch, and Associates, P.A., Consulting Engineers, and is dated October 25, 1993. This overlay district may be expanded by adding additional land area from time to time by an amendment to this ordinance.

4.13.3. *Principal and accessory uses.* Permitted principal uses, special uses and accessory uses shall be as set forth in Table 4.13-1, provided that no use shall be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

Table 4.13-1

YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) IN DECIBELS						
LAND USE	BELOW					OVER
	65	65- 70	70- 75	75- 80	80- 85	85
RESIDENTIAL						
Residential, other than mobile homes and transient lodgings	Y	N	N	N	N	N

YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) IN DECIBELS						
LAND USE	BELOW					OVER
	65	65-70	70-75	75-80	80-85	85
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N	N	N	N	N
PUBLIC USE						
Schools	Y	N	N	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y	Y	Y	Y
Parking	Y	Y	Y	Y	Y	Y
COMMERCIAL USE						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail-building materials, hardware and farm equipment	Y	Y	Y	Y	Y	N
Retail trade-general	Y	Y	25	30	N	N
Utilities	Y	Y	Y	Y	Y	N
Communications	Y	Y	25	30	N	N
MANUFACTURING & PRODUCTION						
Manufacturing, general	Y	Y	Y	Y	Y	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) & forestry	Y	Y	Y	Y	Y	Y
Mining & fishing, resource production & extraction	Y	Y	Y	Y	Y	Y
RECREATIONAL						
Outdoor sports arenas and spectator sports	Y	Y	Y	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	N	N	N	N	N
Amusement or theme park, Resort, Active Open Space (includes Parks, Athletic Fields, and Golf Courses), Outdoor Commercial Amusement, and Campgrounds, Therapeutic Camps, Children's Camps, and related establishments.	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Notes to Table 4.13-1: Y - Land use and related structures are compatible; N - Land use and related structures are not compatible; 25 - Land use and related structures are generally compatible; measures to achieve noise level reduction of 25 decibels should be incorporated into the design and construction of structures; 30 - Land use and related structures are generally compatible; measures to achieve noise level reduction of 30 decibels should be incorporated into the design and construction of structures.

4.13.4. *Area regulations.* Dimensional requirements such as lot size and building depth shall be governed by the underlying zoning districts. In no event shall the height of any structure exceed the maximum height permitted by the underlying zoning district.

4.13.5. *Nonconforming uses.*

4.13.5.1. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of these regulations, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently prosecuted.

4.13.5.2. No zoning clearance permit shall be granted that would allow the expansion of a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of these regulations when the application for a permit is made.

4.13.5.3. Whenever the Sanford-Lee County Regional Airport Authority determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no zoning clearance permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4.13.5.4. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Sanford-Lee County Regional Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Sanford-Lee County Regional Airport Authority.

4.13.6. *Permits.*

4.13.6.1. No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a zoning clearance permit therefore shall have been applied for and granted.

4.13.6.2. Each application for a zoning clearance permit shall indicate the purpose of which the permit is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

4.13.6.3. No zoning clearance permit shall be granted that would allow the establishment or creation of an airport hazard when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

4.13.6.4. Any zoning clearance permit granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

4.13.7. *Variances.*

4.13.7.1. Any persons desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this ordinance, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the

regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the ordinance. Additionally, no application for variance to the requirements of this ordinance may be considered by the board of adjustment unless a copy of the application has been furnished to the aviation department for advice as to the aeronautical effects of the variance. If the aviation department does not respond to the application within 30 days after receipt, the board of adjustment may act on its own to grant or deny said application.

- 4.13.7.2. Any variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Sanford/Lee County Regional Airport, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

4.13.8. *Enforcement.* It shall be the duty of the Sanford-Lee County Regional Airport Authority to administer and enforce the regulations prescribed herein. Applications for approval shall be made to the airport authority upon a form furnished by the department of community development of community development. Applications required by these regulations to be submitted to the airport authority shall be promptly considered and granted or denied by him. In instances where zoning clearance permits are required, approval shall be secured from the airport authority prior to issuance of a zoning clearance permits. Applications for variances shall be filed with the department of community development in accordance with section 3.7 of this ordinance.

4.13.9. *Appeals.* Any person aggrieved or any taxpayer affected by any decision of the airport authority made in his administration of these regulations may appeal to the board of adjustment in accordance with section 3.7 of this ordinance and G.S. § 63-33(4).

4.13.10. *Penalties.* The department of community development is hereby authorized to commence and proceed to prevent, restrain, correct or abate any violation of this section pursuant to section 1.6 of this ordinance.

(Ord. of 9-19-2005)

4.14. Watershed conservation overlay districts (WCOD).

The purpose of these overlay districts is to implement the Water Supply Watershed Protection Act (the Act) (G.S. §§ 143-214.5 & 143-214.6). The Water Supply Watershed Protection Rules adopted by the North Carolina Environmental Management Commission (the "EMC") requires that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, and maps. It is the intent of this section to continue these restrictions. While the restrictions previously codified separately in the zoning ordinances of Sanford, Broadway and Lee County are combined herein and rewritten for clarity, it is the intent of this ordinance to carry forth these regulations which previously existed and which have been approved by the EMC. This section implements the following provisions of the land use plan:

- Create buffering along all creeks, rivers, and floodplains in the community (Environmentally -Sensitive Areas, Goal 4).

4.14.1. Authority and general provisions.

4.14.1.1. *Authority; reenactment.* The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121 (General Ordinance Authority - Counties) and § 140 (Abatement of Public Health Nuisances - Counties); Chapter 160A, Article 8, § 160A- 174 (General Ordinance Authority); and § 160A-193 (Abatement of Public Nuisances - Cities); and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local government units to adopt regulations designated to promote the public health, safety and general welfare of its citizenry. The County of Lee does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of

Lee County. The rewriting of this ordinance in part carries forth by reenactment some of the provisions of the existing Watershed Ordinances of Lee County, and it is not intended to repeal, but rather to reenact and continue in force, such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All suits at law or in equity and/or all pending in any of the courts of this State of the United States, shall not be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

4.14.1.2. *Application and jurisdiction.* The provisions of this ordinance shall apply to development as defined herein within the areas designated as a Public Water Supply Watershed by the North Carolina Environmental Management Commission (EMC), as defined and established on the map entitled, "Watershed Protection Map of Lee County, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The jurisdiction of this ordinance shall apply within the jurisdiction of the City of Sanford, Town of Broadway, pursuant to interlocal agreement. The watershed map and all explanatory matter contained thereon accompanies and is hereby made a part of this ordinance. This ordinance shall be permanently kept on file in the office of the county clerk. Copies may be reproduced for administration purposes.

4.14.1.3. *Interpretation and enforcement.* In their interpretation and enforcement, it is the intent of the County of Lee, in adopting the provisions of this ordinance, that such provisions be considered the minimum standards in carrying out the rules and requirements of the Surface Water Supply Protection Rules adopted by the EMC pursuant to the Water Supply Watershed Protection Act.

4.14.1.4. *Exceptions to applicability.*

- (a) Nothing contained herein shall repeal, modify, or amend any federal or state law or regulation, or any Lee County ordinance or regulation pertaining thereto; nor shall any provision of this ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Lee County, the City of Sanford, or the Town of Broadway; however, the adoption of this ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Lee County at the time of the adoption of this ordinance that may be construed to impair or reduce the effectiveness of this ordinance or to conflict with any of its provisions. It is intended that the watershed protection ordinance combine with articles 4 and 6 in such a way that the provisions are complimentary and that in all cases the most restrictive shall apply.
- (b) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- (c) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the building inspector prior to the time of passage of this ordinance or any amendment thereto; provided, however, that where construction is not begun under such outstanding permit within a period of 180 days subsequent to the passage of this ordinance or any amendment thereto, or where it has not been prosecuted to completion within 18 months subsequent to passage of this ordinance or any amendment thereto, any further construction or use shall be in conformity with the provisions of this ordinance or any amendment thereto. Likewise, no change is required in any project that has obtained a vested right under North Carolina law so long as the vested right remains in effect.

4.14.1.5. *Severability.* Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

4.14.1.6. *Effective date.* This ordinance shall take effect and be in force upon its adoption by the County of Lee.

4.14.2. *Development regulations.*

4.14.2.1. *Establishment of watershed area.* The watershed overlay zones listed in this subsection have been established by the County of Lee. Said overlay zoning districts are also established and continued in effect by this ordinance. The watershed protection districts, the watershed classification, and the jurisdiction within which the watershed districts is are established, are as listed in Table 4.14-1 (next page).

Table 4.14-1: Watershed Overlay Districts, Watershed Classification Jurisdiction

<i>Watershed</i>	<i>Classification</i>	<i>Jurisdiction</i>
Little River (Intake #2)	WS-III-BW	Lee County (LR12-WS-III-BW)
Cape Fear River	WS-IV-CA	City of Sanford (CFS-WS-IV-CA)
Cape Fear River	WS-IV-PA	Lee County and City of Sanford (CFS-WS-IV-PA)
Deep River (Lee County)	WS-IV-CA	Lee County and City of Sanford (DRLC-WS-IV-CA)
Deep River (Lee County)	WS-IV-PA	Lee County (DRLC-WS-IV-PA)
Deep River (Gulf-Goldston)	WS-IV-CA	Lee County (DRGG-WS-IV-CA)
Deep River (Gulf-Goldston)	WS-IV-PA	Lee County (DRGG-WS-IV-PA)

Notes to Table 4.14-1: "CA" denotes "Critical Area"; "PA" denotes "Protected Area"; "BW" Balance of Watershed"

4.14.2.2. *General provisions applicable to all water supply watershed areas.* The following general provisions apply to all watershed overlay districts. These provisions and the provisions contained in the individual watershed overlay districts are designed to protect the water quality of the water supply watersheds that lie within the jurisdiction of this ordinance and to implement the rules adopted by the North Carolina Environmental Management Commission for the classified watersheds pursuant to G.S. § 143-214.5.

- (a) The construction of new roads and bridges and non-residential development should minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices (BMPs) to minimize water quality impacts. To the extent practicable, the construction of new roads in the critical area should be avoided. The N.C. Department of Transportation BMPs as outlined in their document entitled "Best Management Practices for the Protection of Surface Waters" shall be used in all road and bridge construction projects in the Watershed Overlay Districts.
- (b) All development activities within watershed overlay districts, in addition to those activities specifically regulated by these provisions, are subject to the standards, usage conditions and other regulations contained in the Rules and Requirements of the Surface Water Supply Protection Rules adopted by the North Carolina Environmental Management Commission.
- (c) A minimum 30-foot vegetative buffer for development activities is required along all perennial waters, including streams, rivers and impoundments, indicated on the most recent versions of United States Geodetic Survey (USGS) 1: 24,000 scale topographic maps; provided, that nothing in this subsection shall prevent artificial stream bank or shoreline stabilization. No new development is allowed in the buffer, except that water dependent structures, or other structures such as flagpoles, signs, and security lights, which result in only diminimus increase in impervious area

and public works projects such as road crossings and greenways may be allowed where no practicable alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface water, and maximize the utilization of BMPs.

- (d) Where otherwise permitted in the underlying primary zoning district, cluster subdivision is allowed on a project-by-project basis as follows:
- The overall density of the project meets the density requirements of this ordinance;
 - The appropriate vegetative buffer in subsection (c), above, is provided;
 - Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, and to maximize the flow length through vegetated areas;
 - Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainage ways;
 - Remainder of tract to remain in vegetated or natural state;
 - The area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement. A maintenance agreement shall be filed with the property deeds and;
 - Cluster subdivision shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.
- (e) All development in watershed overlay districts, shall, to the maximum extent practical, minimize built-upon surface area, direct stormwater runoff away from surface waters and incorporate best management practices to minimize water quality impacts.
- (f) Existing development, as defined in this ordinance, is not subject to the requirements of the overlay provisions. Expansions to structures classified as existing development must meet the requirements of these provisions, provided however, the built-upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built-upon area is derived by multiplying the area of the portion of the property that is not built-upon by the appropriate percent built-upon limitation for the overlay district in which the property is located.
- (g) A pre-existing lot created prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed or redeveloped for single-family residential purposes without being subject to the restrictions of these overlay provisions.
- (h) Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:
- Repair or reconstruction is initiated within 12 months and completed within two years of such damage or removal.
 - The total amount of space devoted to built-upon area may not be increased.
 - The repair or reconstruction is otherwise permitted under the provisions of this ordinance.
- (i) No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of

junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

- (j) Existing lots which do not meet the minimum lot size standards of this ordinance shall not be required to recombine to meet such minimum standards. However, such lots may be required to be recombined to meet the standards of other ordinances.

4.14.2.3. *Schedule of watershed area standards.*

- (a) *Little River (Intake #2) Balance of Watershed (LR12-WS-III).* The purpose of the Little River (Intake #2) Balance of Watershed is to provide for protection of the Little River Water Supply consistent with the WS-III Balance of Watershed management rules as adopted by the EMC.

- (1) *General development standards.*

- A. No national pollutant discharge elimination system (NPDES) permits shall be issued for landfills that discharge treated leachate.

- (2) *Density/built-upon limitations.*

- A. Residential development activities shall not exceed one dwelling unit per 20,000 square feet or, optionally, 24 percent built-upon area, on a project-by-project basis.
 - B. Non-residential development activities shall not exceed 24 percent built-upon area, on a project-by-project basis.

- (3) Notwithstanding the limitations of (b)(1), (2)A and (2)B above, ten percent of the LR12-WS-III-BW area may be developed with new development projects of up to 70 percent built-upon area as special intensity allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:

- A. SIAs shall be allocated by the watershed administrator through the watershed permit process. The watershed administrator shall maintain a record of the total acreage in the LR12-WS-III-BW area eligible for SIAs; the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purposes of this subsection, the total area that can be allocated for SIAs in the LR12-WS-III-BW is 863.70 acres.
 - B. SIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.
 - C. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

- (b) *Cape Fear River (Sanford) critical area (CFS-WS-IV-CA).* The purpose of the Cape Fear River (Sanford) critical area is to provide protection of the Cape Fear River water supply consistent with the WS-IV critical area management rules as adopted by the EMC for such classified areas.

- (1) *General development standards.*

- A. No new sites for land application of residual or petroleum contaminated soils are allowed.
 - B. No new landfills are allowed.

- (2) *Density/built-upon limitations.*

- A. Residential development activities which require a sedimentation and erosion control permit shall not exceed one dwelling unit per 20,000 square feet or, optionally, 24 percent built-upon area, on a project-by-project basis.

- B. Non-residential development activities which require a sedimentation and erosion control permit shall not exceed 24 percent built-upon area, on a project-by-project basis.
- (c) *Cape Fear River (Sanford) WS-IV protected area (CFS-WS-IV-PA)*. The purpose of the Cape Fear River (Sanford) protected area is to provide for protection of the Cape Fear River water supply consistent with the WS-IV protected area management rules as adopted by the EMC for such classified areas.
 - 1. (Reserved)
 - 2. *Density/built-upon limitations.*
 - A. Residential development activities which require a sedimentation and erosion control permit shall not exceed one dwelling unit per 20,000 square feet or, optionally, 24 percent built-upon area, on a project-by-project basis.
 - B. Non-residential development activities which require a sedimentation and erosion control permit shall not exceed 24 percent built-upon area, on a project-by-project basis.
 - C. Residential development activities which require a sedimentation and erosion control permit and which are not required to use a curb and gutter street system shall not exceed three dwelling units per acre or, optionally, 36 percent built-upon area, on a project by project basis.
 - D. Non-residential development activities which require a sedimentation and erosion control permit and which are not required to use a curb and gutter system, shall not exceed 36 percent built-upon area, on a project by project basis.
 - E. Notwithstanding the limitations of (2)A through (2)D, above, ten percent of the CFSWSIV-PA area may be developed with new development projects of up to 70 percent built-upon area as special intensity allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:
 - 1. SIAs shall be allocated by the watershed administrator through the watershed permit process. The watershed administrator shall maintain a record of the total acreage in the CFS-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAs in the CFS-WS-IV-PA is 4,016.40 acres.
 - 2. SIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.
 - 3. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any Permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.
- (d) *Deep River (Lee County) WS-IV critical area (DRLC-WS-IV-CA)*. The purpose of the Deep River (Lee County) critical area is to provide for protection of the Deep River water supply consistent with the WS-IV critical area management rules as adopted by the EMC for such classified areas.
 - (1) *General development standards.*
 - A. No new sites for land application of residual or petroleum contaminated soils are allowed.
 - B. No new landfills are allowed.

- (2) *Density/built-upon limitations.*
 - A. Residential development activities which require a sedimentation and erosion control permit shall not exceed one dwelling unit per 20,000 square feet or, optionally, 24 percent built-upon area, on a project by project basis.
 - B. Non-residential development activities which require a sedimentation and erosion control permit shall not exceed 24 percent built-upon area, on project-by-project basis.
- (e) *Deep River (Lee County) WS-IV protected area (DRLC-WS-IV-PA).* The purpose of the Deep River (Lee County) protected area is to provide for protection of the Deep River water supply consistent with the WS-IV Protected Area management rules as adopted by the EMC for such classified areas.
 - (1) (Reserved)
 - (2) *Density/built-upon limitations.*
 - A. Residential development activities which require a sedimentation and erosion control permit shall not exceed one dwelling unit per 20,000 square feet or, optionally, 24 percent built-upon area, on a project-by-project basis.
 - B. Non-residential development activities which require a sedimentation and erosion control permit shall not exceed 24 percent built-upon area, on a project-by-project basis.
 - C. Residential development activities which require a sedimentation and erosion control permit and which are not required to use a curb and gutter street system shall not exceed three dwelling units per acre or, optionally, 36 percent built-upon area, on a project by project basis.
 - D. Non-residential development activities which require a sedimentation and erosion control permit and which are not required to use a curb and gutter system, shall not exceed 36 percent built-upon area, on a project by project basis.
 - E. Notwithstanding the limitations of (2)A through (2)D, above, ten percent of the DRWSLPA area may be developed with new development projects of up to 70 percent built-upon area as special intensity allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:
 - 1. SIAs shall be allocated by the watershed administrator through the watershed permit process. The watershed administrator shall maintain a record of the total acreage in the DRLC-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAs in the DRLC-WS-IV-PA is 1,037.80 acres.
 - 2. SIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.
 - 3. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.
- (f) *Deep River (Gulf-Goldston) WS-IV critical area (DRGG-WS-III-CA).* The purpose of the Deep River (Gulf-Goldston) critical area is to provide for protection of the Deep River water supply consistent with the WS-IV critical area management rules as adopted by the EMC for such classified areas.
 - (1) *General development standards.*
 - A. No new sites for land application of residual or petroleum contaminated soils are allowed.

- B. No new landfills are allowed.
- (2) *Density/built-upon limitations.*
 - A. Residential development activities which require a sedimentation and erosion control permit shall not exceed one dwelling unit per 20,000 square feet or, optionally, 24 percent built-upon area, on a project-by-project basis.
 - B. Non-residential development activities which require a sedimentation and erosion control permit shall not exceed 24 percent built-upon area, on a project-by-project basis.
- (g) *Deep River (Gulf-Goldston) WS-IV protected area (DRGG-WS-III-PA).* The purpose of the Deep River (Gulf-Goldston) protected area is to provide for protection of the Deep River water supply consistent with the WS-IV protected area management rules as adopted by the EMC for such classified areas.
 - (1) (Reserved)
 - (2) *Density/built-upon limitations.*
 - A. Residential development activities which require a sedimentation and erosion control permit shall not exceed one dwelling unit per 20,000 square feet or, optionally, 24 percent built-upon area, on a project-by-project basis.
 - B. Non-residential development activities which require a sedimentation and erosion control permit shall not exceed 24 percent built-upon area, on a project-by-project basis.
 - C. Residential development activities which require a sedimentation and erosion control permit and which are not required to use a curb and gutter street system shall not exceed three dwelling units per acre or, optionally, 36 percent built-upon area, on a project by project basis.
 - D. Non-residential development activities which require a sedimentation and erosion control permit and which are not required to use a curb and gutter system, shall not exceed 36 percent built-upon area, on a project by project basis.
 - E. Notwithstanding the limitations of (2)A through (2)D, above, ten percent of the DRGGWSIV-PA area may be developed with new development projects of up to 70 percent built-upon area as special intensity allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:
 - 1. SIAs shall be allocated by the watershed administrator through the watershed permit process. The watershed administrator shall maintain a record of the total acreage in the DRGG-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAs in the DRGG-WS-IV-PA is 653.5 acres.
 - 2. SIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.
 - 3. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

4.14.3. *General provisions.*

4.14.3.1. *Rules governing the interpretation of watershed area boundaries.*

- (a) Where an area boundary is shown to approximately follow a street or highway boundary, the boundary shall be the centerline of such street or highway.

- (b) Where an area boundary is shown to approximately follow a political or jurisdictional boundary, the boundary shall be such political or jurisdictional boundary.
- (c) Where an area boundary is shown to approximately follow topographic lines of watershed divides, the boundary shall be the actual watershed divide.
- (d) When an area boundary is shown on the watershed map to be a specific measured distance, the boundary shall be at such specific measured distance.
- (e) In determining the application of the watershed regulations to watershed areas, the "best available" information shall be used.
- (f) Where the boundary line of an area divides a lot or where physical improvements or cultures existing on the ground are at variance with those shown on the watershed map or in other circumstances not covered by this section, the watershed review board shall interpret the area boundaries.

4.14.3.2. *Watershed permits.*

- (a) No development as defined herein shall take place within a watershed area without a watershed permit and no watershed permit shall be issued except in conformity with this ordinance.
- (b) Watershed permit applications shall be filed with the watershed administrator. The watershed administrator may require such information on watershed permit applications, including density/built-upon calculations, as he may deem necessary to determine compliance with this ordinance.
- (c) The watershed administrator may, prior to the issuance of any permit in the watershed area, require evidence of a valid sedimentation and erosion control permit issued by the State of North Carolina or evidence satisfactory to the administrator that no permit is required.
- (d) A watershed permit shall be a requirement for obtaining a zoning clearance permit or permit where necessary. A watershed permit shall expire after one year if the development for which it is issued is not commenced. Provided, however, no watershed permit shall expire while a valid zoning clearance permit is in force.

4.14.4. *Administration, appeals and amendments.*

4.14.4.1. *Watershed administrator created; named enforcement officer.* This ordinance shall be administered by the director of community development or his/her designee and shall also be known as the watershed administrator. If the watershed administrator shall find that any of the provisions of this ordinance are being violated, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal development; removal of illegal development; alteration or charges thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violations of its provisions. In addition, the watershed administrator shall:

- (a) Issue watershed permits and SIAs as provided for herein. A record of all permits and SIAs shall be kept on file and be available for public inspection during regular office hours of the administrator.
- (b) Serve as clerk to the watershed review board.
- (c) Maintain records of the administration of the watershed regulations and shall submit any modifications of the regulations and/or maps to division of water quality, division of modifications of environmental health and division of community assistance. He shall also maintain a record of variances issued and shall submit an annual report of each project receiving a variance and the reason for the variance to the division of water quality. The annual report shall contain the record of each variance granted by the watershed review board during the previous calendar year and shall be submitted on or before January 1 of the following year. The watershed administrator may

require such information on applications and plans, including density/built-upon area calculations, as he may deem necessary to determine compliance with watershed provisions. Preliminary and final subdivision plat approval and other such plan approvals may be required to note density/built-upon limitations of the plat. For example, plats may be required to show such information as total area of the development, the amount and percent of impervious area in streets and sidewalks, the amount and percent of impervious area in other public improvements, and the amount and percent of impervious area that is allocated to the various lots for future development. Such information shall be displayed in such a manner that the watershed administrator can readily determine compliance with these provisions on a project-by-project basis.

4.14.4.2. *Appeal from the watershed administrator.* Any order, requirement, decision or determination made by the watershed administrator may be appealed to and decided by the watershed review board. An appeal from the decision of the watershed administrator must be submitted to the watershed review board within 30 days from the date the decision was made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the watershed administrator shall transmit to the board all papers constituting the record upon which the action appealed was taken. An appeal stay all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal has been filed with him, that by reasons of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown. The board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

4.14.4.3. *Establishment of watershed review board.* There shall be and hereby is created the watershed review board which shall consist of the Lee County Board of Adjustment as created by Lee County Zoning Ordinance. Acting as the watershed review board, the board shall be governed by its existing organizational and other rules of procedure except as may be modified by the rules contained herein.

4.14.4.4. *Powers and duties of the watershed review board.*

- (a) *Administrative review.* The watershed review board shall hear and decide appeals from any decision or determination made by the watershed administrator in the enforcement of this ordinance.
- (b) *Variances from watershed requirements.* The board may authorize variance from the specific requirements of the watershed provisions in the same manner and subject to the same procedures and requirements of the Lee County Zoning Ordinance for authorizing other variances, provided that:
- (c) The required notice shall also be mailed by first class mail to all other local governments having watershed regulation jurisdiction within the particular watershed where the variance is requested and to each entity using that water supply for consumption; and
- (d) If the variance request is for a major variance as defined herein the following procedure shall apply. If the board decides in favor of granting the major variance, the board shall then prepare a preliminary record of the hearing and submit it to the EMC for review and action. If the board does not decide in favor of granting the major variance such unfavorable action shall constitute denial. In the event of a favorable action by the board on a major variance, the board shall cause the record of their hearing to be promptly submitted to the EMC. The record of the hearing shall include but not be limited to:
 - The variance application;
 - The hearing notices;

- The evidence presented;
- Motions, offers of proof, objections to evidence and rulings on them;
- Findings and exceptions;
- The action of the board including any conditions proposed.

If the EMC approves the major variance or approves with conditions or stipulations added, the EMC shall prepare a decision which authorizes the board to issue a final decision which would include any conditions or stipulations added by the EMC. If the EMC denies the major variance, then the EMC shall prepare a decision and transmit it to the board. The board shall then prepare a final decision denying the major variance.

- (e) *Adjusting watershed area boundaries.* The watershed review board, in addition to its authority contained in Section 404(A) in administrative review, shall have the power to make adjustments to the exterior boundary of watershed areas by removing all or part of a piece of property from a watershed area where it finds that all or part of such property actually lies outside the drainage area of such watershed. In any case, where there is a dispute as to whether a property or any part of a property that is shown on the watershed map is being in a watershed area actually drains to that watershed, the board shall, upon appeal by the owner, make a determination as to the facts of the matter as it affects the subject property.

In determining whether a property or part of a property drains to the watershed as indicated on the map, the board shall base its determination on actual field conditions of the property as determined by topographical conditions. In making its determination, the board may require the appellant to produce relevant expert testimony and exhibits.

After hearing such appeal, the board shall find that the subject property (all or part) is either in the designated watershed or out of the designated watershed. If the board shall find that the subject property is out of the designated watershed, the board shall order the map to be adjusted to show the subject property to be outside the designated watershed. In making such order, the Board shall designate the watershed in which the subject property is located. If such designation causes the subject property to be located in another watershed area, the order shall cause the map to be adjusted to show the same.

- (f) *Adjusting critical area boundaries.* The watershed review board may, upon the request of a property owner or owners, adjust the boundaries of a watershed critical area to fit existing or proposed streets, lot lines or other features, provided that such adjustments are agreed to by the property owner(s) involved and provided that any such adjustment is made with no loss in total area in that watershed critical area. Such adjustment may be made by simple majority vote of the board without public notice.
- (g) *Appeals from decision of the watershed review board.* Any decision of the watershed review board is subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review in the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in the office of the clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved parties either by personal service or by registered mail or certified mail return receipt requested.
- (h) *Changes and amendments to the watershed protection ordinance.* The appropriate governing body may amend, supplement, change or modify the watershed regulations and restrictions as set forth herein in the manner prescribed by law for adopting ordinances under its general ordinance-making authority. Provided, however, in any case where an amendment to this

ordinance imposes water supply watershed management requirements that are more stringent than those adopted by the EMC, the procedure must comply with the provisions of G.S. §§ 153A-343 or 160A-384.

Under no circumstances shall the governing body adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the EMC. All amendments must be filed with the division of water quality, division of environmental health, and the division of community assistance.

4.14.5. *Penalties and remedies.*

4.14.5.1. *General penalty; enforcement; continuing violations.*

- (a) Except as otherwise provided herein, each violation of this ordinance shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of this ordinance shall be punished by fine or imprisonment as provided by law.
- (b) Violations of this ordinance shall constitute either a misdemeanor or, at the election of the county, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to Lee County within 15 days of the issuance of a citation, may be recovered by the county in a civil action in the nature of debt. Said civil penalties shall be in the amount of \$100.00 for each violation and each day any single violation continues shall be a separate violation.
- (c) In addition to the civil penalties set out above, any provision of this ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the county for equitable relief that there is an adequate remedy at law.
- (d) In addition to the civil penalties set out above, any provision of this ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by general court of justice. When a violation of such a provision occurs, the County of Lee may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cause the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 76 in particular.
- (e) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.
- (f) The provision of the ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.

- (g) Upon determination of a violation of any section of this ordinance, the penalty for which is a civil penalty, the appropriate Watershed Administrator of Lee County shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. Where the watershed administrator determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required. The watershed administrator may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.
- (h) An appeal from a warning citation shall be taken within ten days from the date of said warning citation to the watershed review board. Except in any case where the ordinance specifically grants to the board other powers in considering appeals and such appeal is applied for, the board in considering appeals of warning citation shall have power only in the manner of administrative review and interpretation where it is alleged that the watershed administrator has made an error in the application of the ordinance, in the factual situation as it relates to the application of the ordinance, or both.
- (i) Upon failure of the violator to obey the warning citation a civil citation shall be issued by the watershed administrator and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail services by first class mail addressed to the last known address of the violator as contained in the records of the county or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the citation in person within 15 days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise further citations may be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.
- (j) If the violator fails to respond to a citation within 15 days of its issuance, and pay the penalty prescribed therein, Lee County may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

4.14.5.2. *Alternative remedies.* Nothing in this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided therein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the penalties and remedies provided for herein, the North Carolina Environmental Management Commission may assess civil penalties in accordance with G.S. § 143-215.6(a).

4.14.6. *Definitions.* The words, terms and phrases used in this section 4.14 shall have the meanings assigned below and in appendix A to this ordinance provided, however, that the meanings assigned in this section shall prevail over inconsistent definitions established in appendix A.

4.14.6.1. *Balance of watershed (BW).* The remainder of a watershed outside the critical area.

4.14.6.2. *Best management practices (BMP).* A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

- 4.14.6.3. *Buffer*. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
- 4.14.6.4. *Built-upon area*. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas, recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)
- 4.14.6.5. *Cluster subdivision*. Cluster subdivision means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of these rules, planned unit developments and mixed-use development are considered as cluster subdivisions.
- 4.14.6.6. *Critical area*. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.
- 4.14.6.7. *Development*. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
- 4.14.6.8. *Existing development*. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of these provisions based on at least one of the following criteria:
- (a) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
 - (b) having an outstanding valid building permit as authorized by the General Statutes (G.S. §§ 153A-344.1 and 160A-385.1), or
 - (c) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. §§ 153A-344.1 and 160-A-385.1).
- 4.14.6.9. *Existing lot. (Lot of record)*. A lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.
- 4.14.6.10. *Major variance*. A variance from the minimum statewide watershed protection rules that results in the relaxation, by a factor greater than five percent of any buffer, density or built-upon area requirement under high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than ten percent, of any management requirement under the low density option. Where this ordinance is more stringent than the state's minimum water supply protection rules, a variance to this ordinance is not a major variance as long as the result of the variance is not less stringent than the state's minimum requirements.

- 4.14.6.11. *Minor variance.* A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the highdensity option; or that results in a relaxation by a factor up to ten percent, of any management requirement under the low-density option.
- 4.14.6.12. *Non-residential development.* All development other than residential development, agriculture and silviculture.
- 4.14.6.13. *Protected area.* The area adjoining and upstream of the critical area of WS-IV standards. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within ten miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.
- 4.14.6.14. *Residential development.* Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, mobile homes, etc. and their associated outbuildings such as garages, swimming pools, storage buildings, gazebos, etc.
- 4.14.6.15. *Sedimentation and erosion control permit.* A permission granted by the State of North Carolina for a person to conduct a land disturbing activity pursuant to the Sedimentation Pollution Control Act of 1973, as amended.
- 4.14.6.16. *Stormwater collection system.* Means any conduit, pipe, channel, curb or gutter for the primary purpose of transporting (not treating) runoff. A stormwater collection system does not include vegetated swales, swales stabilized with armoring or alternative methods where natural topography prevents the use of vegetated swales (subject to case-by-case review), curb outlet systems or pipes used to carry drainage underneath built-upon surfaces that are associated with development controlled by the provision of 15A NCAC 2H.1003(c)(1).
- 4.14.6.17. *Variance.* A permission to develop or use property granted by the watershed review board relaxing or waiving a water supply watershed management requirement that is incorporated into this ordinance.
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- 4.14.6.18. *Water dependent structure.* Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.
- 4.14.6.19. *Watershed.* The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).